

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, City Clerk

***Rules & Legislation Committee**

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

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

Thursday, May 26, 2005

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 11:05

A.M., with Council President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

Present: Member Chang, Member Reid, Member Brunner and Chair De La

Fuente

COMMITTEE MEMBERSHIP:

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:**

Votes:

No; 1 - Member Brunner

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

June 7, 2005 Closed Session scheduled for Noon to 4:00 P.M.

2

Approval of the Draft Minutes from the Committee meeting of May 19, 2005

A motion was made by Member Reid, seconded by Member Chang, to

***Approve the Minutes. The motion carried by the following vote:**

Votes:

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

Fuente

3

Determination of Schedule of Outstanding Committee Items

A motion was made by Member Reid, seconded by Member Brunner, to

***Approve as Submitted. The motion carried by the following vote:**

Votes:

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

Fuente

(R&L Item 3 5-26-05)

[View Item.pdf](#)

4

Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council

meeting of June 7, 2005 or future dates

A motion was made by Member Chang, seconded by Member Brunner, to

***Approve as Submitted. The motion carried by the following vote:**

Votes:

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

Fuente

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

- *Sanjiv Handa*

4-1

Subject: Oakland Firefighters Random Acts

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing the Oakland Firefighters

Random Acts To Continue Its Services To The City Of Oakland, The Community

And Honoring Awards To Recipients (05-0383)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/7/2005**

[View Report.pdf,](#)

[79252 CMS.pdf](#)

4-2

Subject: Firefighter/ EMT Evaluation and Testing

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Enter Into A Professional Services Contract With Sandra H. Smith, PhD. For

Performance Trait Assessment Evaluation Testing Of Firefighter/EMT And

Firefighter/Paramedic Applicants In An Amount Not To Exceed Seventy Two

Thousand Nine Hundred Seventy Five Dollars (\$72,975.00) For The Period June

27, 2005 To June 26, 2008, And Authorizing The City Administrator To Extend

Said Contract, One Year At A Time Until June 26, 2010 For A Total Annual

Expenditure In Each Year Thereafter Of Twenty Four Thousand Three Hundred

Twenty Five Dollars (\$24,325.00) (05-0392)

Scheduled to *Public Safety Committee on 6/14/2005
4-3

Subject: DR Associates International

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Waive The Competitive RFP/RFQ Requirements And Enter Into A Contract With

Dr Associates International For Background And Confidential Investigations Of

Firefighter/EMT And Firefighter/Paramedic Applicants In An Amount Not To

Exceed Eighty Four Thousand Twenty One Dollars (\$84,021.00) For The Period

June 27, 2005 Through June 26, 2008, And Authorizing The City Administrator To

Extend Said Contract, One Year At A Time Until June 26, 2010, For A Total

Annual Expenditure In Each Year Thereafter Of Twenty Eight Thousand Seven

Dollars (\$28,007.00) (05-0424)

Scheduled to *Public Safety Committee on 6/14/2005

4-4

Subject: Oakland Fire Department Metropolitan Medical Response System

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Accept And Appropriate A Grant Of Two Hundred And Twenty Thousand, Seven

Hundred And Sixty Four Dollars (\$220,764.00) As Part Of The Fiscal Year 2005

Homeland Security Grant Program (HSGP) From The U.S. Department Of

Homeland Security Office For Domestic Preparedness (ODP) - Metropolitan

Medical Response System (MMRS) To Fund The Oakland Fire Department

MMRS Program And Enhance Integrated, Systematic Mass Casualty Preparedness,

With Primary Focus On Terrorist Events Involving Radiological, Nuclear,

Chemical Biological, Or Explosive Agents (05-0426)

Scheduled to *Public Safety Committee on 6/14/2005

[View Report,](#)

[79311 CMS.pdf](#)

4-5

Subject: Comcast Cable Franchise

From: Office of the City Administrator and Office of the City Clerk

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Of The City Of Oakland Amending Chapter 5.16 Of Title 5 Of

The Oakland Municipal Code To Regulate The Occupancy And Use Of Public

Rights-Of-Way By Cable Systems And Open Video Systems, To Provide For

Establishment Of Customer Service Standards; Establishing Franchise And

Licensing Requirements For Operators Of Such Systems And To Prescribe

Minimum Charges, Terms, And Conditions For And Upon The Construction,

Maintenance, And Repair Of Such Systems; And (05-0422)

Scheduled to *Finance & Management Committee on 6/14/2005

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

- *Sanjiv Handa*

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2) An Ordinance Granting A Cable Franchise To Comcast Of California/Colorado, LLC To

Construct And Operate A Cable System To Provide Cable Service Within A Franchise Area

Within The City Of Oakland; Establishing The Terms And Conditions Of The Franchise Grant;

And Establishing Certain Remedies For The Violation Of The Franchise; and place on the

pending list (05-0422-1)

Scheduled to *Finance & Management Committee on 6/14/2005

3) An Ordinance Granting A Cable Franchise To Comcast Of California/Colorado, LLC To

Construct And Operate A Cable System To Provide Cable Service Within A Franchise Area

Within The City Of Oakland; Establishing The Terms And Conditions Of The Franchise Grant;

And Establishing Certain Remedies For The Violation Of The Franchise (05-0422-2)

Scheduled to *Finance & Management Committee on 6/14/2005

4-6

Subject: Approval of the Special Budget Meeting Agenda for May 31, 2005

From: Office of the City Clerk

Recommendation: A Request to Review and Approve the Agenda for the Special

Budget Meeting scheduled for May 31, 2005 (05-0449)

Accepted

4-7

Subject: Approval of the Agenda for the Special Education Partnership

Committee

From: Office of the City Clerk

Recommendation: A Request to Review and Approve the Agenda for the Special

Education Partnership Meeting Scheduled for May 31, 2005 (05-0450)

Accepted

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

- *Sanjiv Handa*

4-8

Subject: California Health Care Coalition

From: Council President De La Fuente

Recommendation: Adopt a Resolution Supporting The California Health Care

Coalition's Efforts To Encourage Greater Accountability And Transparency From

The Health Care Industry (05-0418)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/7/2005

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[79256 CMS.pdf](#)

4-9

Subject: Patricia Kernighan Appointment/Composition of Education Partnership

Committee

From: Council President De La Fuente

Recommendation: A Motion To Confirm The City Council President's

Appointment Of Councilmember Patricia Kernighan To Various City Council

Committees And To Confirm The Composition Of The Education Partnership

Committee (05-0419)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council

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

- Sanjiv Handa

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4-10

Subject: Mayor And City Attorney's Salary

From: City Council

Recommendation: Action On A Report And Recommendation On The Mayor And

City Attorney's Salary (05-0435)

Scheduled to *Finance & Management Committee on 6/14/2005
4-11

Subject: Oakland Economic Development Corporation - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The Agency Administrator To

Negotiate And Execute An Exclusive Negotiating Agreement With The Oakland

Economic Development Corporation, A California Not For Profit Development

Corporation, To Pursue The Development Of A Transit Village At The Coliseum

BART Station And To Contribute Up To \$25,000 To Fund Oakland Economic

Development Corporation's Exclusive Negotiating Fee With The San Francisco

Bay Area Rapid Transit District (TITLE CHANGE) (05-0251)

Scheduled to *Community & Economic Development Committee on

6/14/2005

[View Report,](#)

[2005-0032 CMS.pdf](#)

Subject: Fulton Project Development Group

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Approving An Exclusive

Negotiation Agreement With Fulton Project Development Group Regarding The

Sale And Development Of A Portion Of The Oakland Army Base For Use As A

Mixed-Use Entertainment, Retail, Housing, And Film/Television Production

Studio (05-0425)

Scheduled to *Community & Economic Development Committee on

6/14/2005

[View Report.pdf,](#)

[2005-0034 CMS.pdf](#)

Subject: Planned Unit Development on Kenilworth Road

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing And Upon Conclusion Adopt A

Resolution Denying The Appeal And Sustaining The Decision Of The City

Planning Commission Approving The Application For A Planned Unit

Development For Seven Single-Family Residential Lots on Kenilworth Road (Off

Strathmoor Drive, In The General Area Between Drury Road and Norfolk

Road)(TITLE CHANGE) (05-0434)

***Rescheduled to *Rules & Legislation Committee**
for scheduling

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[79381 CMS.pdf](#)

4-14

Subject: Youth Employment Partnership, Inc.

From: Public Works Agency

Recommendation: A Request To Withdraw A Report And Recommendation On A

Resolution Authorizing A Two-Year Agreement With The Youth Employment

Partnership, Inc. To Implement The Team Oakland Program, In An Amount Not

To Exceed \$249,000; To Be Withdrawn With No New Date (05-0388-1)

Accepted

This item was previously adopted.

4-15

Subject: Brookpark Tree Removal

From: Public Works Agency

Recommendation: A Request To Withdraw From the June 7, 2005 City Council

Agenda And Reschedule The Adoption Of A Resolution Denying The Appeal

Filed By Robert Bobb Against The Decision Of The Public Works Agency

Approving The Issuance Of Tree Removal Permit DR02-123 For Brookpark Road,

An Undeveloped Lot, APN 085-0105-040-00, In Order To Build A New Home; on

the June 21, 2005 City Council agenda (05-0420)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/21/2005

4-16

Subject: Local Street Rehabilitation And Traffic Safety

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Apply For, Accept, And Appropriate 1) \$824,000 Of Federal Surface

Transportation Program Funds For Street Rehabilitation; And 2) \$901,788 Of

Congestion Management Agency Transportation Improvement Program Funds For

Local Street Rehabilitation And Traffic Safety (05-0431)

Scheduled to *Public Works Committee on 6/14/2005

[View Report,](#)

[79300.pdf](#)

4-17

Subject: Debt Management Policy and Swap Policy

From: Finance and Management Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution Adopting The City Of Oakland's Debt Management Policy and

Swap Policy For Fiscal Year 2005-2006 (05-0421)

Scheduled to *Finance & Management Committee on 6/14/2005

[View Report,](#)

[View Supplemental Report,](#)

[79302 CMS.pdf](#)

2) A Resolution Adopting The Oakland Redevelopment Agency's Debt Management Policy

and Swap Policy For Fiscal Year 2005-2006 (05-0421-1)

Scheduled to *Finance & Management Committee on 6/14/2005

[View Report,](#)

[View Supplemental Report,](#)

[2005-0030 CMS.pdf](#)

4-18

Subject: Medtronic Physio-Control

From: Finance and Management Agency

Recommendation: Adopt A Resolution Awarding A Contract To Medtronic-Physio

Control For Furnishing Replacement Defibrillator Monitors And Accessory

Equipment In An Amount Not To Exceed \$856,670.76 In Accordance With

Specification No. 03-465-14-1 (05-0423)

Scheduled to *Finance & Management Committee on 6/14/2005

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Subject: Investment Policy for Fiscal Year 2005-2006

From: Finance and Management Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolutions Adopting The City Of Oakland Investment Policy For Fiscal Year

2005-2006 (05-0427)

Scheduled to *Finance & Management Committee on 6/14/2005

[View Report,](#)

[79303 CMS.pdf](#)

2) An Agency Resolutions Adopting The Oakland Redevelopment Agency's Investment Policy

For Fiscal Year 2005-2006 (05-0427-1)

Scheduled to *Finance & Management Committee on 6/14/2005

[View Report,](#)

[2005-0031 CMS.pdf](#)

Subject: Measure G Funds

From: Finance and Management Agency

Recommendation: Adopt A Resolution Reallocating \$2,000,000 Of Measure G

Series 2002A Funds, Previously Allocated For Projects At The Oakland Museum

Of California, To Projects At The Oakland Zoo (05-0428)

Scheduled to *Finance & Management Committee on 6/14/2005

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[79304 CMS.pdf](#)

4-21

Subject: Vehicle License Fee

From: Finance and Management Agency

Recommendation: Adopt A Resolution Approving The Form Of And Authorizing

The Execution And Delivery Of A Purchase And Sale Agreement And Related

Documents With Respect To The Sale Of The Seller's Vehicle License Fee

Receivable From The State; And Directing And Authorizing Certain Other Actions

In Connection Therewith (05-0432)

Scheduled to *Finance & Management Committee on 6/14/2005

[View Report,](#)

[79326 CMS.pdf](#)

4-22

Subject: Sideshow Activities

From: Office of the Mayor

Recommendation: Action on A Report and Recommendations Regarding Two

Alternatives To Address Sideshow Activities: Alternative No. 1 - An Ordinance

Amending Title 9 Of The Oakland Municipal Code To Add Chapter 9.60 (a)

Declaring Vehicle Sideshows A Public Nuisance And (b) Prohibiting The

Gathering Of Spectators At Such Public Nuisance Events; And Alternative No. 2 -

An Ordinance That Includes The Foregoing Provisions And Also Provides For The

Forfeiture Of Vehicles Involved In Sideshow Events (05-0429)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/7/2005

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

- *Sanjiv Handa*

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4-23

Subject: Seizure And Forfeiture Of Vehicles Used To Solicit Prostitution

From: Office of the Mayor

Recommendation: Approve the Introduction (First Reading) of An Ordinance

Amending Chapter 9.56 Of The Oakland Municipal Code Authorizing Seizure And

Forfeiture Of Vehicles Used To Solicit Prostitution Or Acquire A Controlled

Substance, To Include As Additional Grounds For Seizure And Forfeiture The

Crimes Of Pandering And Pimping, And To Require A Prompt Post-Seizure

Hearing (05-0430)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/7/2005

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

- *Sanjiv Handa*

[View Report.pdf](#),

[View Supplemental Report](#),

[12684 CMS.pdf](#)

(R&L Item 4 5-26-05)

[View Item 4 5-26-05.pdf](#)

FROM THE JUNE 14, 2005 FINANCE AND MANAGEMENT COMMITTEE AGENDA

Subject: Community Meeting and Police Station - 530 Lake Park Avenue

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A

Two-Year Lease With Peter And Helen Shiu For Real Property Located At 530 Lake Park

Avenue, For Use As A Community Meeting Facility And Community Police Station In The

Annual Amount Of \$30,000, Plus Telephone And Utility Costs And One Time Tenant

Improvement Cost Of \$2,000 For A Total Amount Not To Exceed \$40,000 Annually (05-0222)

***Rescheduled to *Finance & Management Committee on 6/28/2005**

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

Subject: Purchase Agreement with William T. Neill

From: Community Economic and Development Agency

Recommendation: Adopt An Ordinance Authorizing The City Administrator To Enter Into A

Purchase And Sale Agreement With William T. Neill, The Adjoining Property Owner, To

Purchase Approximately 4,500 Square Feet Of City Owned Surplus Real Property Located At

51st Street Between Manila And Coronado Avenue For The Fair Market Value Of \$4,500

(05-0333)

***Rescheduled to *Finance & Management Committee on 6/21/2005**

[View Report.pdf](#)

Subject: Grizzly Peak Boulevard

From: Community and Economic Development Agency

Recommendation: Adopt A City Ordinance Authorizing The City Administrator To Enter Into

A Purchase And Sales Agreement To Sell To Brennan Mulligan And Yeung Tsui, The

Adjoining Property Owners, Approximately 1,360 Square Feet Of City Owned Surplus Real

Property Located At Grizzly Peak Boulevard (APN# 048H-7510-002-00) For The Fair Market

Value Of \$1,360.00 (05-0363)

***Rescheduled to *Finance & Management Committee on 6/28/2005**

[View Report.pdf](#)

Subject: 5th Avenue Seismic Retrofit

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance Authorizing The City Administrator To Enter Into A

Sales Agreement With The California Department Of Transportation (Caltrans) To Sell City

Owned Property Located Near Interstate 880 And 5th Ave (Assessor Parcel Number

0000-0455-010 (Portion)) And Granting Of Temporary Construction Easements With An

Expiration Date Of 1/31/2011 For City Owned Properties (Assessor Parcel Numbers

000O-0455-090 And 000O-0455-010) For A Fair Market Value To Be Determined But Not

Less Than \$195,100 (05-0398)

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

Agency / City Council on 6/21/2005

[View Report.pdf,](#)

[12689 CMS.pdf](#)

FROM THE JUNE 14, 2005 COMMUNITY AND ECONOMIC DEVELOPMENT

COMMITTEE AGENDA

Subject: Land Conversion

From: Community and Economic Development Agency

Recommendation: Receive an Informational Report on Conversions of Industrial Land to

Other Uses (05-0278)

***Rescheduled to *Community & Economic Development Committee on**

7/12/2005

[View Report](#)

Subject: Rent Adjustment Program

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Amending Rent Adjustment Program Regulations To

Remove The Requirement That One Of Each Of The Three Classes Of Members (Neutral,

Landlord, And Tenant) Be Present For Voting Quorum Of The Housing, Residential Rent, And

Relocation Board And Provide That A Quorum Is A Simple Majority Of The Members

(05-0382)

***Rescheduled to *Community & Economic Development Committee on**

7/12/2005

[View Report.pdf](#)

5

A review of the Council Committees' actions from May 24, 2005 and determination of scheduling to the ORA/City Council meeting of June 7, 2005 or future dates

Approve as Amended

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

- Sanjiv Handa

(R&L Item 5 5-26-05)

[View Item 5 5-26-05.pdf](#)

6

A review of the Agenda for the ORA/City Council for the meeting of June 7, 2005

A motion was made by Member Brunner, seconded by Member Chang, to

***Approve as Submitted. The motion carried by the following vote:**

Votes:

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

Fuente

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

- Sanjiv Handa

(R&L Item 6 5-26-05)

[View Item 6 5-26-05.pdf](#)

7

Subject: Self-Anchored Suspension For the Bay Bridge

From: Councilmember Larry Reid

Recommendation: Adopt A Resolution Urging The California Legislature To Retain In State

Law The Self-Anchored Suspension Design Of The San Francisco-Oakland Bay Bridge; To

Urge The Governor And Caltrans To Advertise That Design For Construction Bids As Soon As

Possible; And To Urge The California Legislature And Governor To Promptly Commence

Negotiations To Achieve A Fair And Equitable Cost-Sharing Agreement For The Latest Cost

Overruns For The Toll Bridge Seismic Retrofit Program (05-0360)

A motion was made by Member Brunner, 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 June 7, 2005. The motion carried by the following

vote:

Votes:

Absent; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

COUNCIL PRESIDENT DE LA FUENTE WAS NOTED ABSENT AT 11:57

A.M.

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

- Sanjiv Handa

[View Report.pdf,](#)

[View Supplemental Report.pdf](#)

8

Subject: Senate Bill 523

From: Public Works Agency

Recommendation: Adopt a Resolution Declaring The City Of Oakland's Support For Senate

Bill 523 (Torlakson/Maldonado) For Maintaining Bicycle Transportation Account Funding

(05-0364)

A motion was made by Member Chang, seconded by Member Brunner,

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 June 7, 2005. The motion carried by the following

vote:

Votes:

Absent; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

The Committee moved seconded and carried a motion to approve staff

recommendations as amended to include the following changes: 1) Deletion of

the following language" and equitable cost sharing agreement" and 2) the

addition of the following language: "Resolved: that the State immediately

continue the construction of the self anchored suspension design"

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

- Sanjiv Handa

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[79278 CMS.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) 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 at 12:05 P.M.

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 (TDD)

*

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.

City Clerk and Clerk of the Council