

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, October 05, 2006

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules and Legislation Committee convened at 10:51

AM with Councilmember Reid presiding as Chairperson.

1
Closed Session

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

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

Votes:

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

The City Attorney scheduled a Closed Session for Tuesday, October 17, 2006 at

3 PM.

2
Approval of the Draft Minutes from the Committee meeting of September 21, 2006

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

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

Votes:

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

Determination of Schedule of Outstanding Committee Items

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

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

Votes:

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

4

Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee

meetings of October 10, 2006 (SUPPLEMENTAL)

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

***Approve with the following amendments. The motion carried by the**

following vote:

Votes:

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

S-4-1

Subject: 2006 DNA Capacity Enhancement Grant

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, On

Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An

Amount Not To Exceed One Hundred Ten Thousand Dollars (\$110,000) From The

U.S. Department Of Justice, National Institute Of Justice, (USDOJ/NIJ) For

Implementation Of The 2006 DNA Capacity Enhancement Grant Program In The

Police Department (06-0664)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

[View Report.pdf,](#)

[View Supplemental Report.pdf](#)

S-4-2

Subject: Emerging Crime Trends

From: Oakland Police Department

Recommendation: Receive An Informational Report From The Chief Of Police On

Current And Emerging Crime Trends That Affect The Quality Of Life In The City

Of Oakland (06-0809)

Scheduled to *Public Safety Committee on 10/24/2006
for scheduling
S-4-3

Subject: Law Enforcement Specialized Units Grant Program

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing the City Administrator, On

Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The

Amount Of Ninety-Five Thousand Seven Hundred And One Dollars (\$95,701) From

The State Of California, Office Of Emergency Services, Law Enforcement

Specialized Units Grant Program, In Supplemental Support Of The Family Violence

Intervention Unit In The Police Department; On The October 24, 2006 Public Safety

Committee Agenda (06-0823)

Scheduled to *Public Safety Committee on 10/24/2006
S-4-4

Subject: 2006 Sobriety Checkpoint Program

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing the City Administrator, On

Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An

Amount Not To Exceed One Hundred Two Thousand Seven Hundred One Dollars

And Seventy-Six Cents (\$102,701.76) From The University Of California, Berkeley,

Traffic Safety Center, Serving As The Fiscal Agent For The State Of California,

Office Of Traffic Safety, For The 2006 Sobriety Checkpoint Program To Be

Conducted By The Police Department; On The October 24, 2006 Public Safety

Committee Agenda (06-0824)

Scheduled to *Public Safety Committee on 10/24/2006
S-4-5

Subject: Weed And Seed Initiative

From: Oakland Police Department

Recommendation: Receive An Informational Report From The Chief Of Police On

The Programmatic Evaluation Of The West Oakland Weed And Seed Initiative,

Sponsored By The U.S. Department Of Justice, Office Of Justice Programs,

Community Capacity Development Office; On The October 24, 2006 Public Safety

Committee Agenda (06-0825)

Scheduled to *Public Safety Committee on 10/24/2006
S-4-6

Subject: Anniversary of Women's Right to Vote

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution in Recognition Of The 95th Anniversary Of

Women In California Winning The Right To Vote (06-0801)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/17/2006

[View Report.pdf](#),

[80189 CMS.pdf](#)

S-4-7

Subject: Travel Authorization For Vice Mayor Quan And Councilmember Reid

From: Vice Mayor Quan

Recommendation: Adopt A Resolution Authorizing Vice Mayor Jean Quan And

Councilmember Larry Reid To Travel To Reno, Nevada To Attend The National

League Of Cities 83rd Congress Of Cities And Exposition, December 5-9, 2006

(06-0805)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

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S-4-8

Subject: Project Priority Funds - District Five

From: Council President De La Fuente

Recommendation: Adopt A Resolution Immediately Allocating \$100,000 From The

Priority Project Funds Of City Council President Ignacio De La Fuente To Oakland's

Chabot Space And Science Center (06-0806)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

[View Report.pdf,](#)

[80206 CMS.pdf](#)

S-4-9

Subject: National Save For Retirement Week

From: Vice Mayor Quan

Recommendation: Adopt A Resolution Declaring October 22 Through October 28,

2006 As National Save For Retirement Week (06-0808)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

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[80190 CMS.pdf](#)

S-4-10

Subject: Impact Of Assembly Bill 2987

From: Councilmember Reid

Recommendation: Receive An Informational Report On The Impact Of Governor

Arnold Schwarzenegger's Signing Of AB 2987, The Video And Cable Service Bill

(06-0816)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

S-4-11

Subject: Celebrating And Honoring The Oakland Athletics

From: Council President De La Fuente

Recommendation: Adopt A Resolution Celebrating And Honoring The Oakland

Athletics Baseball Team On Winning The American League West Division

(06-0817)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

[View Report.pdf.](#)

S-4-12

Subject: Public Art Design - Rockridge-Temescal Greenbelt

From: Cultural Arts And Marketing

Recommendation: Adopt A Resolution Authorizing A Professional Services

Agreement With Mark Brest Van Kempen For Public Art Design And Fabrication

Services For The Rockridge-Temescal Greenbelt In An Amount Not To Exceed

Sixty Thousand Dollars (\$60,000); To Be Scheduled (06-0420)

Scheduled to *Life Enrichment Committee on 11/14/2006
S-4-13

Subject: Public Art Design - Professional Services Agreement

From: Cultural Arts and Marketing

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Negotiate And Enter Into A Professional Services Agreement With Lynne-Rachel

Altman, Richard Jennings, Biliانا Stremska And Daniel Schmidt For Public Art

Design, Fabrication And Installation Services For The Measure DD: Children's

Fairyland Project In An Amount Not To Exceed Seventy Thousand Dollars

(\$70,000); On The November 14, 2006 Life Enrichment Committee Agenda

(06-0811)

Scheduled to *Life Enrichment Committee on 11/14/2006
S-4-14

Subject: Oakland Community Action Partnership

From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter

Into Agreements For A Second Year With Providers For Services In Alignment

With The City's Two Year Contract From The State Of California's Department Of

Community Services And Development (CSD) For Calendar Years 2006 And 2007;

On The November 28, 2006 Life Enrichment Committee Agenda (06-0813)

Scheduled to *Life Enrichment Committee on 11/28/2006
S-4-15

Subject: Build West Oakland - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency

Administrator To Enter Into An Agreement With 16th Street Train Station, LLC, To

Provide Funding In An Amount Not To Exceed \$616,757 For The Preservation Of

The Baggage Wing Property At The 16th Street Train Station In West Oakland

(06-0786)

Scheduled to *Community & Economic Development Committee on

10/24/2006

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S-4-16

Subject: Conley Consulting - Agreement

From: Community and Economic Development Agency

Recommendation: A Request To Withdraw From The October 24, 2006 Community

And Economic Development Committee Agenda A Resolution Authorizing A

Professional Services Agreement With Conley Consulting Group To Develop A

Citywide Retail Recruitment Strategy And Implementation Plan In An Amount Not

To Exceed \$485,000; And Reschedule To The November 14, 2006 Community And

Economic Development Committee Agenda (06-0787)

Scheduled to *Community & Economic Development Committee on

11/14/2006

S-4-17

Subject: Design Review Procedures

From: Community and Economic Development Agency

Recommendation: Adopt An Ordinance To Adopt: 1) Amendments To The Zoning

Regulations To Revise Design Review Procedures And Thresholds Citywide And

Make Other Minor Zoning Code Revisions; And 2) Amendments To The Zoning

Maps To Eliminate The S-14, S-18, And S-19 Combining Zone Overlays; On The

December 5, 2006 City Council Agenda (06-0790)

Continued to *Rules & Legislation Committee on 10/12/2006
for scheduling
S-4-18

Subject: Traffic Impact Program

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Municipal Code Title 10, Adding Chapter

70, Establishing A Traffic Impact Program (TIP) Pursuant To California

Government Code Sections 66000 Through 66025 (Mitigation Fee Act) For The

Southeast Portion Of The City Of Oakland, Including Procedural Requirements For

The Adoption, Imposition, And Adjustment Of Traffic Impact Fees (TIF); And

(06-0807)

Scheduled to *Community & Economic Development Committee

2) A Resolution Establishing A Traffic Impact Fee (TIF) Pursuant To Adoption And

Implementation Of The Traffic Impact Program (TIP) For The Southeastern Portion Of The City

Of Oakland, Including The Adoption And Imposition Of Traffic Impact Fees (TIF) And

Designated Projects For Fiscal Year 2007-2009 (06-0807-1)

Scheduled to *Community & Economic Development Committee on

10/24/2006

and on the October 31, 2006 City Council Agenda as a Public Hearing
S-4-19

Subject: Michael And Margaret Chu - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt An Ordinance Authorizing The City Administrator, To

Enter Into And Execute A Purchase And Sale Agreement With Michael And

Margaret Chu For The Purchase Of 2680 Beaconsfield Place APN:

(048D-7280-028) Consisting Of About 5,929 Square Feet Of Land Located In The

Beaconsfield Canyon For The Fair Market Value Of Sixty Eight Thousand Nine

Hundred Dollars (\$68,900) Plus Closing Costs Not To Exceed Five Thousand

Dollars (\$5,000) For The Measure DD Watershed Acquisition Project; On The

November 14, 2006 Finance And Management Committee Agenda (06-0818)

Scheduled to *Finance & Management Committee on 11/14/2006
S-4-20

Subject: Latham Square And Telegraph Avenue Streetscape

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The Latham Square And

Telegraph Avenue Streetscape Improvement Project On Telegraph Avenue Between

Broadway And 20th Street, Including Reducing The Travel Lanes Between 16th

And 20th Street; On The November 28, 2006 Community And Economic

Development Committee Agenda (06-0819)

Scheduled to *Community & Economic Development Committee on

11/28/2006

S-4-21

Subject: African American Cultural Center

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Amending Resolution No. 74402 C.M.S.

And Resolution No. 77943 C.M.S. To Change The Location Of The African

American Cultural Center From 5714 Martin Luther King Jr. Way To 815 51st

Street, And To Change The Term Of The Lease Agreement With Children's Hospital

Of Oakland From A Ten Year Lease To A Not To Exceed Eighteen Month Lease,

With An Option To Purchase The Property For One Dollar; And Authorizing the

City Administrator To Exercise The Option To Purchase; On The November 14,

2006 Community And Economic Development Committee Agenda (06-0820)

Scheduled to *Community & Economic Development Committee on

11/14/2006

S-4-22

Subject: St. Francis Electric - Agreement

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing An Additional \$163,325 Dollars

For An Agreement With St. Francis Electric In An Amount Not To Exceed

\$453,325 For The Historical Demarcation Markers Project In The Oak Center

Redevelopment Project Area; On The November 14, 2006 Community And

Economic Development Committee Agenda (06-0821)

Scheduled to *Community & Economic Development Committee on

11/14/2006

S-4-23

Subject: Fox Oakland Theater - Agreement Amendments

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing Amendments To The Disposition And

Development Agreement (DDA) Between The Agency And Fox Oakland Theater,

Inc. (FOT), A Non-Profit Entity, Revisions And Supplements To Original

Guarantees Required For Tax Credit Financing For The Fox Theater Project And

Other Agreements Including:

- Modifying The Existing Loan Repayment Guarantee From The Agency To FOT

For Conventional Loan To FOT Not To Exceed \$6,500,000, And The Existing

Contingent Loan Not To Exceed \$3,530,000 For Costs Associated With Obtaining

Historic Tax Credits And New Markets Tax Credits, To Include Operating Costs

Within The Scope Of The Guarantees;

- A Guarantee By The Agency In Favor Of The Tax Credit Investment Entities

For (A) Completion Of The Fox Theater Rehabilitation Work In Compliance With

Applicable Laws And The Historic Tax Credits Requirements, (B) Payment Of

Carrying Costs Through Lease Up, And (C) That The Project Is Free Of Liens Upon

Completion Of Rehabilitation;

- A Guarantee By Agency In Favor Of The Tax Credit Investment Entities

Relating To The Historic Tax Credits And New Markets Tax Credits In Event The

Tax Credits Are Not Awarded Or Are Recaptured By The Internal Revenue Service

As A Result Of Non-Compliance With IRS Tax Credit Requirements By For Or Its

Affiliated Entities;

- Environmental Indemnification For The Lenders And Tax Credit Investors To

Protect Against Existing And Future, Known Or Unknown Environmental Matters;

And (06-0822)

Scheduled to *Community & Economic Development Committee on

10/24/2006

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S-4-24

Subject: 330 13th Street LLC - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting 330 13th Street LLC A Revocable And Conditional Permit

To Allow An Existing Basement For A Building At 330 13th Street To Encroach

Under The Public Sidewalk (06-0826)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-25

Subject: 1615 Broadway - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting Oakland Cathedral Building LLC A Revocable And

Conditional Permit To Allow An Existing Basement For A Building At 1615

Broadway To Encroach Under The Public Sidewalk Along Broadway and Telegraph

Avenue (06-0827)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-26

Subject: 4301 Keller Avenue - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Hillside Homes Group, Inc., A

Revocable And Conditional Permit To Allow A Retaining Wall And Emergency

Egress Stairs To Encroach Into The Public Right-Of-Way At 4301 Keller Avenue

For The Siena Hill Subdivision (06-0828)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-27

Subject: 5940 Racine Street - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting The Bravo Family Trust and Danon

Living Trust A Revocable And Conditional Permit To Allow The Encroachment Of

An Existing Two-Family Residence At 5940 Racine To Remain In The Public

Right-Of-Way (06-0829)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-28

Subject: 1630 San Pablo Avenue - Revocable And Conditional Permits

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolution Granting Rotunda Garage LP A Revocable And Conditional Permit

To Allow A Vault And An Electrical Transformer For A Proposed Building At 1630

San Pablo Avenue To Encroach Under The Public Sidewalk Along San Pablo

Avenue (06-0830)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-29

Subject: 6501 San Pablo Avenue - Revocable And Conditional Permit

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Tri City Lofts LLC A Revocable

And Conditional Permit To Allow An Electrical Transformer And Vault For A New

Building At 6501 San Pablo Avenue To Encroach Under The Public Sidewalk Along

65th Street (06-0831)

Scheduled to *Public Works Committee on 10/24/2006

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S-4-30

Subject: Construction Of Sanitary Relief Sewers

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing Award Of A Contract To Andes

Construction, Inc. For The Construction Of Sanitary Relief Sewers Along Clay

Street, 8th Street, Jefferson Street, 6th Street And Martin Luther King Jr. Way

(Project No. C79310) For The Amount Of One Million Nine Hundred Eighty-One

Thousand Three Hundred Thirty-Seven Dollars (\$1,981,337.00) (06-0814)

Scheduled to *Public Works Committee on 10/24/2006

[View Report.pdf](#)

S-4-31

Subject: Utilization Of Funds

From: Finance and Management Agency

Recommendation: Receive An Informational Report On The Utilization Of Funds

Donated By Council Members To External Organizations (06-0840)

Scheduled to *Finance & Management Committee on 10/24/2006

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S-4-32

Subject: Central District Redevelopment Project Bonds

From: Finance and Management Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Issuance And Prescribing The Terms,

Conditions And Form Of Not To Exceed \$37,000,000 Principal Amount Of The

Redevelopment Agency Of The City Of Oakland Central District Redevelopment

Project Subordinated Tax Allocation Bonds, Series 2006T (Federally Taxable),

Approving The Form Of And Authorizing The Execution And Delivery Of A

Second Supplemental Indenture Of Trust And A Bond Purchase Contract;

Approving The Form Of And Authorizing The Distribution Of A Preliminary

Official Statement And Authorizing Execution And Delivery Of An Official

Statement; Approving The Selection And Retention Of A Financing Team;

Authorizing Payment Of Costs Of Issuance; Allocating Bond Proceeds To Finance

Redevelopment Activities In The Redevelopment Project Area; And Authorizing

And Approving Necessary Action In Connection Therewith; (TITLE CHANGE)

And (06-0841)

Scheduled to *Finance & Management Committee on 10/24/2006

[View Report.pdf](#),

[View Supplemental Report.pdf](#)

Subject: Salary Ordinance Amendment

From: Finance and Management Agency

Recommendation: Adopt An Ordinance Amending The Salary Schedule Of

Ordinance No. 12187 (The Salary Ordinance) To: Add The Permanent Full Time

Equivalent Classifications Of Deputy Director Of Police (Non-Sworn) And Grants

Coordinator; Amend The Titles Of The Full Time Classifications Complex Manager

And Assistant Complex Manager To Facilities/Complex Manager, And Assistant

Facilities/Complex Manager Respectively; And To Amend The Effective Date Of

The Salary Increase To The Full Time Equivalent Classification, Concrete Finisher

From May 30, 2006 To February 4, 2006 (06-0842)

Scheduled to *Finance & Management Committee on 10/24/2006

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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Priority Project Funds - District Three

From: Councilmember Nadel

Recommendation: Adopt A Resolution Authorizing Immediate Allocation of \$100,000 Of

Councilmember Nancy J. Nadel's Priority Project Funds To Mandela Foods Cooperative For

Tenant/Building Improvements (06-0844)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/31/2006

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Subject: Sworn Police Officers

From: Finance and Management Agency

Recommendation: Adopt A Resolution To Adopt Rules And Regulations Governing

Employer-Employee Relations In City Government Applicable To Sworn Police Officers

(06-0845)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

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Adopt An Agency Resolution Restricting The Use Of Low And Moderate Income Housing

Funds To Units For Households At 60% Of Area Median Income, With A Preference For

Households At 30% Of Area Median Income (06-0846)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

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Subject: American Indian Public Charter School Recognition

From: Council President De La Fuente and Vice Mayor Quan

Recommendation: Adopt A Resolution To Commend The American Indian Public Charter School

For Being Recognized By The United States Department Of Education As A 2006 Blue Ribbon

School (06-0847)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/17/2006

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A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of October 17, 2006 and the Rules and Legislation Committee meeting of October 19, 2006

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

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

Votes:

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

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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

City Council Rules and Legislation Committee adjourned the meeting at 11:21

AM

NOTE:

Americans With Disabilities Act

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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 - Agenda Management Unit

Phone: (510) 238-6406

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*

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