

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, City Clerk

***Rules & Legislation Committee DRAFT**

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

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

Thursday, July 01, 2004

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at

10:59 a.m., with President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

Absent: Member Reid

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

1
Closed Session

A motion was made by Member Chang, seconded by Member Wan, to *

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

Votes:

Absent; 1 - Member Reid

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

2
Approval of the Draft Minutes from the Committee meeting of June 17, 2004

A motion was made by Member Wan, seconded by Member Chang, to *

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

Votes:

Absent; 1 - Member Reid

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

3

Determination of Schedule of Outstanding Committee Items

A motion was made by Member Chang, seconded by Member Wan, to *

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

Votes:

Absent; 1 - Member Reid

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

(Item 3 Rules 7-8)

4

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

meeting of July 6, 2004 (SUPPLEMENTAL)

The following individual spoke on Item 4 and did not indicate a position:

- Sanjiv Handa

4-1

Subject: Sutter Health - Contract Amendment

From: Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Administrator to amend

Resolution Number 76105 C.M.S dated October 31, 2000 to increase the contract

with Sutter Health @ Work by ninety thousand dollars (\$90,000) for physical

fitness assessments and health testing services for the City of Oakland's

Firefighting Personnel to meet current regulatory requirements and standards of

compliance, to a total contract amount not to exceed one hundred eighty four

thousand one hundred fifty dollars (\$184,150.00) (04-0611)

Scheduled to *Public Safety Committee on 7/13/2004

[Scheduling Request.pdf](#),

Subject: New Weed and Seed Sites in East and West Oakland

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services

agreement with Resource Development Associates in the amount of forty thousand

dollars (\$40,000) for the development of two official recognition applications for

submission to the U.S. Department of Justice, Office of Justice Programs,

Executive Office for Weed and Seed, for the establishment of New Weed and Seed

Sites in East and West Oakland (04-0610)

Scheduled to *Public Safety Committee on 7/13/2004

[Scheduling Request.pdf](#),

[Item 7 7-13-04.pdf](#)

4-3

Subject: Operations of the Pacific Renaissance Plaza Garage

From: Office of the City Auditor

Recommendation: Receive an Informational Report on the performance audit of

the Management Agreement between the City of Oakland and International

Hotelier Management Corporation regarding the operations of the Pacific

Renaissance Plaza Garage; on the July 13, 2004 Public Works and Finance and

Management Committee agendas (04-0624)

Scheduled to *Finance & Management Committee on 9/14/2004

[Scheduling Request.pdf](#)

4-4

Subject: Cannabis Initiative Petition

From: Office of the City Clerk

Recommendation: Receive a Report from the City Clerk on the results of signature

verification of the Oakland Cannabis Initiative Petition and adopt the following

legislation: (04-0626)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Non-Consent item

[Scheduling Request.pdf](#)

4-5

Subject: Ernie Robinson - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Deputy Chief Ernest A.

Robinson III for 30 years of outstanding and dedicated service and congratulating

him on his retirement (04-0613)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Ceremonial item

[Scheduling Request.pdf,](#)

[Item 8.3.pdf](#)

4-6

Subject: Gerald Simon - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Chief Gerald Simon for

outstanding and dedicated service and congratulating him on his retirement (04-

0614)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Ceremonial item

[Scheduling Request.pdf](#),

[Item 8.4.pdf](#)

4-7

Subject: Henry Renteria - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Henry R. Renteria for his 19

years of dedicated service as Oakland's Emergency Manager, congratulating him

on his retirement from the City of Oakland, and wishing him well as assumes

leadership as the Director of the Governor's Office of Emergency Services (04-

0615)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Ceremonial item

[Scheduling Request.pdf](#),

[Item 8.5.pdf](#)

4-8

Subject Barry Weiland - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Barry Weiland upon his retirement

from the City of Oakland (04-0616)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Ceremonial item

[Scheduling Request.pdf](#),

[Item 8.6.pdf](#)

4-9

Subject: Drew Winsor - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution honoring Drew Winsor upon his retirement

from the City of Oakland (04-0617)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Ceremonial item

Subject: Conditional Use Permit Ordinance

From: Councilmember Wan

Recommendation: Adopt an Interim Ordinance requiring a Major Conditional Use

Permit for development resulting in more than two units per lot in the area

generally bounded by MacArthur Boulevard on the north, 23rd Avenue on the east,

Marin Way and E. 15th Street on the south, and 5th Avenue and Park Blvd. on the

west. (The Planning Commission is also directed to initiate a zoning study of the

area. The Ordinance shall be in effect for a maximum of two years or until the

Planning Commission forwards a recommendation for rezoning of the study area);

on the September 28, 2004 Community and Economic Development Committee

agenda (04-0618)

Scheduled to *Community & Economic Development Committee on 9/28/

2004

[Scheduling Request.pdf](#)

4-11

Subject: Traffic Signal Projects - Reschedule

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to award

a construction contract to Ray's Electric for the traffic signal projects at the

intersections of Franklin Street at 7th Street, International Boulevard at 103rd/104

th Avenues, and Mountain Boulevard at Village Square Driveway (City Project

Nos. C222210, C160110, and C64630) in the amount of four hundred twenty-three

thousand seven hundred thirty dollars (\$423,730); from the July 13, 2004 Public

Works Committee agenda to the Pending List for No Specific Date (04-0590)

***Withdrawn with No New Date**
Placed on the Pending List/No Specific Date
[Scheduling Request.pdf](#)
4-12

Subject: Coliseum Bart Station Area Underground Utility District - No. 235

From: Public Works Agency

Recommendation: Adopt a Resolution of Intention to establish Underground

Utility District Number 235: Coliseum BART Station Area Underground Utility

District which includes San Leandro Street, between 66th and 73rd Avenues, and

73rd Avenue to be funded under California Public Utilities Commission (CPUC)

Rule 20B and pursuant to Ordinance Number 7769 C.M.S.; on the September 28,

2004 Public Works Committee agenda and on the October 19, 2004 City Council

agenda as a Public Hearing (04-0608)

Scheduled to *Public Works Committee on 9/28/2004
and on the October 19, 2004 City Council agenda as a Public Hearing
[Scheduling Request.pdf](#)
4-13

Subject: Underground Utility District - Number 236S

From: Public Works Agency

Recommendation: Adopt a Resolution of Intention to establish Underground

Utility District Number 236S, developed subdivisions with completed underground

utility service: Ariane Court, a segment of Diablo Drive, Bishops Court,

Observation Place, Skyline Circle and a segment of Redwood Road, pursuant to

Ordinance Number 7769 C.M.S.; on the September 28, 2004 Public Works

Committee and on the October 19, 2004 City Council agenda as a Public Hearing (

04-0621)

Scheduled to *Public Works Committee on 9/28/2004
and on the October 19, 2004 City Council agenda as a Public Hearing
[Scheduling Request.pdf](#)
4-14

Subject: Swinerton Builders - Police Administration Building

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to amend

the professional services contract with Swinerton Builders for Construction

Manager At-Risk Services to include the construction phase of the Police

Administration Building Weak Story Seismic Retrofit Phase I Project and to either

(1) increase the contract compensation amount by \$8 million for a total contract

amount not to exceed \$8.5 million if the Federal government approves Federal

Emergency Management Agency ("FEMA") Grant Funds for the project or, (2)

increase the contract compensation amount by \$5.5 million of Measure I funding (

Bond funding for public safety purposes) for a total contract amount of \$6 million,

if FEMA grant funds are not approved (PURSUANT TO SECTION 902-E OF

THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE OF THE

COUNCIL - 6 AFFIRMATIVE VOTES) (04-0622)

Scheduled to *Public Safety Committee on 7/13/2004

[Scheduling Request.pdf](#),

[Item 9 7-13-04.pdf](#),

[Item 9 Auditor Report 7-13-04.pdf](#)

4-15

Subject: Merchant Kiosks in City Hall Plaza

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to award

a construction contract to the lowest responsible bidder for a not-to-exceed amount

of one hundred fifty thousand dollars (\$150,000) for the installation of merchant

kiosks in the City Hall Plaza; on the July 13, 2004 Public Works Committee

agenda (04-0623)

Scheduled to *Public Works Committee on 7/13/2004

Subsequent to the Rules and Legislation Committee meeting, this item was

rescheduled to the July 13, 2004 Finance and Management Committee agenda

[Scheduling Request.pdf](#)

4-16

Subject: Solar Power Project

From: Public Works Agency

Recommendation: Adopt the following legislation regarding a solar power project:

1) A Resolution authorizing the City Administrator to implement a one megawatt

solar power and energy efficiency project by appropriating and allocating funds in

the total amount of

\$7,759,500; and entering into an agreement with PowerLight Corp. in an amount

not to exceed

\$7,214,338(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS

ITEM REQUIRES A 2/3 VOTE OF THE COUNCIL - 6 AFFIRMATIVE VOTES)

; and (04-0625)

Scheduled to *Finance & Management Committee on 7/13/2004

[Scheduling Request.pdf](#),

[Item 7 7-13-04.pdf](#)

4-17

Subject: Doris M. Malvo - Service Recognition

From: Finance and Management Agency

Recommendation: Adopt a Resolution commending Doris M. Malvo for more

than 30 years of devoted and dedicated service and congratulating her on her

retirement (04-0607)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/

City Council on 7/20/2004

As a Consent Calendar item

[Scheduling Request.pdf](#),

[Item 10.11CC.pdf](#)

4-18

Subject: Historical Police Overtime Spending and Reimbursements

From: Office of the City Administrator

Recommendation: Discussion and possible action on a Report on historical Police

overtime spending and reimbursements; on the September 14, 2004 Finance and

Management Committee agenda (04-0619)

Scheduled to *Finance & Management Committee on 9/14/2004

[Scheduling Request.pdf](#)

4-19

Subject: Community Choice Aggregation Demonstration Project

From: Office of the City Administrator

Recommendation: Adopt the following legislation regarding alternative energy

opportunities:

1) A Resolution authorizing the City Administrator to accept and appropriate \$3,

500,000 from the Williams Energy Settlement to be used for activities that promote

alternative energy production or improve energy efficiency in the City, and; (04-

0540)

***Withdrawn and Rescheduled to *Finance & Management Committee on 7**

/13/2004

Withdrawn from the July 13, 2004 Public Works Committee agenda

[Scheduling Request.pdf](#),

[Revised Scheduling Request.pdf](#),

[Item 5 7-13-04.pdf](#)

4-20

Subject: Oakland City Stables

From: Office of Parks and Recreation

Recommendation: Discussion and action on a report and recommendations to issue

a Request for Proposals for the operation of Oakland City Stables and to proceed

with Capital Improvements (04-0609)

Scheduled to *Life Enrichment Committee on 7/13/2004

[Scheduling Request.pdf](#),

[Item 5 7-13-04.pdf](#)

4-21

Subject: Summer Recess Purchase Authorizations

From: Office of the City Administrator

Recommendation: Adopt a Resolution authorizing the City Administrator to take

action on procurement of the following supplies and services exceeding \$500,000

and professional services contracts exceeding \$150,000 during the Oakland

Redevelopment Agency /City Council 2004 Summer Recess:

(1) Authorization to negotiate and execute a professional services contract for

transportation planning services with the selected consultant in an amount not to

exceed \$156,000 from the Fruitvale Alive Environmental Justice Grant; and (04-

0612)

Scheduled to *Finance & Management Committee on 7/13/2004

[Scheduling Request.pdf](#),

[Item 6 7-13-04.pdf](#)

(Item 4 Rules 7-1-04)

[Item 4 Rules 7-1-04.pdf](#)

5

A review of the Agendas for the Council Committees for the meeting(s) of July 13, 2004

***Approve with the following amendments**

The following individual spoke on Item 5 and did not indicate a position:

- Sanjiv Handa

From the July 13, 2004 Finance and Management agenda:

Subject: Retirement Service Credit

From: Finance and Management Agency

Recommendation: Adopt a Resolution authorizing pre-tax payroll deduction for service credit

purchase from California Public Employees Retirement System (CalPERS) (04-0533)

***Withdrawn with No New Date**

[Scheduling Request.pdf](#)

Subject: Civil Service Rules

From: Councilmember Brunner and Council President de La Fuente

Recommendation: A request to retain outside counsel to complete an update of Oakland's Civil

Service Rules (04-0544)

***Withdrawn with No New Date**

[Scheduling Request.pdf](#)

From the July 13, 2004 Community and Economic Development agenda:

Subject: Oakland Business Development Corporation (OBDC)

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution amending Resolution No. 77823 C.M.S. to increase the

amount of the contract with the Oakland Business Development Corporation (OBDC) by \$80,

000 for a total contract amount of \$395,000 during Fiscal Year 2003-2004 to continue the

expansion of OBDC's lending authority and provide loan servicing for the City's and

Redevelopment Agency's loan portfolio, and allocating \$2,400 for contract compliance (04-

0078-1)

***Withdrawn and Rescheduled to *Community & Economic Development**

Committee on 9/14/2004

[04-0078-1.pdf](#)

Subject: Small Business Growth Center

From: Community and Economic Development Agency

Recommendation: Discussion and action on a report and recommendation identifying funding

in the amount of \$50,000 to the Small Business Growth Center (04-0502)

***Withdrawn and Rescheduled to *Community & Economic Development**

Committee on 9/14/2004

[04-0502.pdf](#)

From the July 13, 2004 Life Enrichment Committee agenda:

Subject: Oakland Youth Commission

From: Department of Human Services

Recommendation: Receive the Annual Informational report regarding the Oakland Youth

Commission for the period 2003-2004 (04-0506)

***Withdrawn and Rescheduled to *Life Enrichment Committee on 9/14/**

2004

[04-0506.pdf](#)

From the July 13, 2004 Public Safety Committee agenda:

Subject: Update Report on Oakland's Liquor Stores

From: Office of the City Attorney

Recommendation: A Discussion and action on an updated report card with recommendations

on Oakland's Liquor Stores: The Good, the Bad, & the Ugly according to the Community (04-

0273-1)

***Withdrawn and Rescheduled to *Public Safety Committee on 9/28/2004**

[Scheduling Request.pdf](#)

(Item 5 Rules 7-1-04)

[Item 5 Rules 7-1-04.pdf](#)

S-6

Subject: Amendment to Assembly Bill 2523 - Nuisance Evictions

From: Office of the City Administrator

Recommendation: A Discussion and possible action on a report regarding Assembly Bill 2523

that would require the City Attorney to issue nuisance eviction notices, limit recovery of

attorney's fees payable by landlords to the City, and require response to notices in 30 days (04-

0578)

A motion was made by Member Chang, seconded by Chair De La Fuente,

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 July 6, 2004. The motion carried by the following

vote:

Votes:

Abstained; 1 - Member Wan

Absent; 1 - Member Reid

Aye; 2 - Member Chang and Chair De La Fuente

The following individual spoke on Item S-6 and did not indicate a position:

- Sanjiv Handa

The City Clerk advised the Council that at the Rules and Legislation Committee

of June 24, 2004 an urgency finding was made to place this item on the agenda.

Agency/Councilmember Chang made a motion seconded by Agency/

Councilmember Wan to approve an urgency finding pursuant to Section 2.20.

080 E(2) regarding Item S-6 that there is a need to take immediate action which

came to the attention of the local body after the agenda was posted, and that the

need to take immediate action relates to federal or state legislation.

The Committee carried a motion to direct staff to withdraw the City of Oakland

from Assembly Bill 2523; 2 Ayes; 1 Abstain -Wan; 1 Absent -Reid

[Scheduling Request.pdf](#),

[Item 6 SUPP RLC 07-01-04.pdf](#),

[Item S-26.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual spoke under Open Forum:

- 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

12:15 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

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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