

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**

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

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

Thursday, June 10, 2004

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:48

a.m., with Council 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:

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
(Item 1 RULES 6-10-04)

[Item 1 SUPP 6-10-04.pdf](#)

2

Approval of the Draft Minutes from the Committee meeting of May 27, 2004

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

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

Votes:

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

3

Determination of Schedule of Outstanding Committee Items

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

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

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
(Item 3 RULES 6-10-04)

[Item 3 SUPP 6-10-04.pdf](#)

4

Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting
of June 15, 2004 (SUPPLEMENTAL)

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

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

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
4-1

Subject: National Forensic Sciences Improvement Act 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 nine thousand one hundred and eighty dollars (\$9,180) from the Governor's

Office of Emergency Services for the Paul Coverdell National Forensic Sciences

Improvement Act Program being conducted in the Police Department; on the July

13, 2004 Public Safety Committee agenda (04-0537)

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

[Scheduling Request.pdf](#)

4-2

Subject: Dwight Chambers - Service Recognition

From: Councilmember Brooks

Recommendation: Adopt a Resolution commending Dwight Chambers for 39 years

of dedicated service to the City of Oakland and extending our best wishes as he

retires; on the July 20, 2004 City Council agenda (04-0536)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 7/20/2004

[Scheduling Request.pdf](#)

DUE TO THE PRESENCE OF COUNCILMEMBER BRUNNER, A QUORUM

OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND

SECONDED TO ADJOURN THE MEETING OF THE CITY COUNCIL RULES

AND LEGISLATION COMMITTEE, AND TO CONVENE AS A SPECIAL

MEETING OF THE FULL COUNCIL AT 11:17 A.M.

4-3

Subject: Street Tree Protection

From: Councilmember Brunner

Recommendation: Adopt an Ordinance amending Oakland Municipal Code

Sections 12.36.010 and 12.36.090 and adding a new Section 12.04.400 for the

purpose of further protecting Oakland's City-owned street trees (04-0543)

Scheduled to *Life Enrichment Committee on 6/22/2004

[Scheduling Request.pdf](#),

[Item 7 6-22-04.pdf](#)

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT THIS

TIME AND RECONVENED AS THE RULES AND LEGISLATION

COMMITTEE

4-4

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; on the July 13, 2004 Finance and Management

Committee agenda (04-0544)

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

[Scheduling Request.pdf](#)

4-5

Subject: Origins Design Network - Extension of Contract Period

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution to amend a professional services contract

between the City of Oakland and Origins Design Network to perform residential

design review services, to extend the contract until the previous contract funds are

depleted (no increase to the contract amount); on the July 13, 2004 Community

and Economic Development Committee agenda (04-0542)

Scheduled to *Community & Economic Development Committee on 7/13/

2004

[Scheduling Request.pdf](#)

4-6

Subject: Planned Development Zoning District

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance regarding a text amendment to the Zoning

Code establishing a Planned Development Zoning District as Oakland Planning

Code Chapter 17.139 ; on the July 13, 2004 Community and Economic

Development Committee agenda and on the July 20, 2004 City Council agenda as

a Public Hearing

Final Passage will be scheduled for September 21, 2004 (04-0545)

Scheduled to *Community & Economic Development Committee on 7/13/

2004

[Scheduling Request.pdf](#)

4-7

Subject: Local Street and Road Repairs

From: Public Works Agency

Recommendation: Resolution authorizing application for \$5,728,000 of Fiscal

Year 2005-2006 and 2006-2007 Federal Surface Transportation Program funds for

local street and road repair in exchange for \$5,155,000 of Oakland local

transportation funds; on the July 13, 2004 Public Works Committee agenda (04-

0535)

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

[Scheduling Request.pdf](#)

4-8

Subject: Abatement of Dangerous and Insanitary Building Sewer Conditions

From: Public Works Agency

Recommendation: Adopt a Resolution confirming the report of assessment for the

abatement of dangerous and insanitary building sewer conditions throughout the

City; on the July 13, 2004 Finance and Management Committee agenda (04-0538)

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

[Scheduling Request.pdf](#)

4-9

Subject: Keep Oakland Beautiful Unit - Progress Report

From: Public Works Agency

Recommendations: Discussion and action on a Progress report on the activities of

the Public Works Agency, Keep Oakland Beautiful Unit and adopt a Resolution

recognizing its advisory board members; on the July 13, 2004 Public Works

Committee agenda (04-0539)

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

[Scheduling Request.pdf](#)

4-10

Subject: Retirement Service Credit

From: Finance and Management Agency

Recommendation: Adopt a Resolution authorizing the purchase of Public

Employees Retirement System (PERS) service credit on a pre-tax basis; on the July

13, 2004 Finance and Management Committee agenda (04-0533)

Subject: Joint Exercise Powers Agreement & Issuance of Revenue Bonds

From: Finance and Management Agency

Recommendation: Adopt the following legislation regarding a Joint Exercise

Powers Agreement:

1) A Resolution approving, authorizing and directing execution of a Joint Exercise

of Powers Agreement relating to the California Municipal Finance Authority; and (

04-0547)

Scheduled to *Finance & Management Committee on 6/22/2004

[Scheduling Request.pdf](#),

[Item 6 6-22-04.pdf](#)

4-12

Subject: Community Choice Aggregation Demonstration Project

From: Office of the Mayor

Recommendation: Adopt a Resolution appropriating \$24,500 to Navigant

Consulting, Inc., sole source technical analysts, so that the City of Oakland can join

the Bay Area Consortium as a participant in the California Energy Commission

funded Community Choice Aggregation Demonstration Project; on the July 13,

2004 Public Works Committee agenda (04-0540)

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

[Scheduling Request.pdf](#)

4-13

Subject: Raiders Surcharge Expenditures

From: Office of Parks and Recreation

Recommendation: Discussion and action on a report on Raiders surcharge

expenditures to benefit Citywide youth activities and ballfield maintenance; on the

September 14, 2004 Life Enrichment Committee agenda (04-0534)

Scheduled to *Life Enrichment Committee on 9/14/2004

[Scheduling Request.pdf](#)

4-14

Subject: National Park and Recreation Month

From: Office of Parks and Recreation

Recommendation: Adopt a Resolution proclaiming July as National Park and

Recreation Month and celebrating the recapturing of the rich legacy of Oakland

Parks and Recreation through people, parks and programs (04-0546)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 7/6/2004

[Scheduling Request.pdf](#)

4-15

Subject: Increase of City Council Salaries

From: Public Ethics Commission and Office of the City Administrator

Recommendation: Adopt the following legislation regarding an increase to City

Council salaries:

1) Approve the Introduction (First Reading) of an Ordinance amending Ordinance

Number 4727 C.M.S. to adjust the monthly salary schedule for the classification of

Council Member; and (04-0541)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/29/2004

[Scheduling Request.pdf](#),

[Item 2.5 Staff Report & Legislation 6-29-04.pdf](#)

ADDITIONAL REQUESTS SUBMITTED UPON THE DAIS

Subject: Juneteenth Day in the City of Oakland - June 19, 2004

From: Councilmember Brooks

Recommendation: Adopt a Resolution declaring June 19, 2004 Juneteenth Day in the City of

Oakland and recognizing the rich history, culture and traditions of the African American

Community (04-0549)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/15/2004

[Item S-8.4 6-15-04.pdf](#)

Subject: Oakland Fine Arts Summer School

From: Office of Parks and Recreation

Recommendation: Adopt a Resolution authorizing the City Administrator to accept and

appropriate an amount of \$70,000 from the Oakland Unified School District for the Oakland

Fine Arts Summer School (04-0550)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 6/15/2004

[Item S-19 6-15-04.pdf](#)

Subject: Children's Fairyland - Contract Amendment

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing an amendment to the agreement between

Children's Fairyland, Inc. ("Non-Profit") and the City of Oakland to designate the non-profit at

City's Representative for the purpose of design and construction of improvements (04-0548)

Scheduled to *Public Works Committee on 6/22/2004

[Item 5 6-22-04.pdf](#)

(Item 4 6-10-04)

[Item 4 6-10-04.pdf](#)

5

A review of the Council Committees' actions from June 8, 2004 and determination of

scheduling to the ORA/City Council meeting of June 15, 2004 (1 week) or

July 6, 2004 (4 weeks) or future dates (MATRIX)

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

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

Votes:

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

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

- *Sanjiv Handa*

Please refer to Attachment A of these minutes for the approved scheduling of

Committee Items

(Item 5 6-10-04)

[Attachment A 6-10-04.pdf](#),

[Item 5 6-10-04.pdf](#)

6

A review of the Agendas for the Council Committees for the meetings of June 22, 2004

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

Approve with the following amendments. The motion carried by the

following vote:

Votes:

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

The Committee moved, seconded and carried a motion to approve the agendas

for June 22, 2004 Council Committees with the rescheduling of Item 10 on the

Community and Economic Development Committee agenda to the July 13, 2004

Community and Economic Development Committee.

7

Subject: Assembly Bill 2367 - Asthma Reduction in the City of Oakland

From: Council President De La Fuente

Recommendation: Adopt a Resolution proclaiming support for initiatives to prevent, reduce,

and treat Asthma among Oakland's Children, specifically State Assembly Bill 2367 authored by

Assemblywoman Wilma Chan (04-0462)

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 June 15, 2004 As a Consent Calendar Item. The motion

carried by the following vote:

Votes:

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

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

- Sanjiv Handa

[Item 7 6-10-04.pdf,](#)

[Item S-10.29 CC 6-15-04,](#)

[Resolution 78626.pdf](#)

From: President De La Fuente and Councilmember Quan

Recommendation: Adopt a Resolution opposing the proposal in the Governor's recent budget

for the Fiscal Year 2004-2005 (The "May Revise") to take funds from both the Alameda-Contra

Costa Transit District (AC Transit) and the Bay Area Rapid Transit District (BART) (04-0483)

A motion was made by Member Chang, seconded by Member Reid, 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 15, 2004 As a Consent Calendar Item. The motion

carried by the following vote:

Votes:

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

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

- *Sanjiv Handa*

[04-0483.pdf](#),

[Item 8 6-10-04.pdf](#),

[Item S-10.30CC 6-15-04.pdf](#),

[Resolution 78627.pdf](#)

9

Subject: Assembly Bill 2815 - Pre-Release Parole Plans

From: Oakland Police Department

Recommendation: Adopt a Resolution declaring the City of Oakland's support of Assembly Bill

2815 which will provide three pilot counties with pre-release parole plans for each parolee

released into those counties ninety (90) days prior to release (04-0485)

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 June 15, 2004 As a Consent Calendar Item. The motion

carried by the following vote:

Votes:

Absent; 1 - Member Reid

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

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

- *Sanjiv Handa*

[04-0485.pdf](#),

[Item 9 6-10-04.pdf](#),

[Item S-10.31CC 6-15-04](#),

[Resolution 78628.pdf](#)

S-10

Subject: Assembly Bill 2290 - Solid Waste Collection Services

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland opposing Assembly Bill 2290 (

Chavez) which proposes to eliminate franchise and local agency fees collected from State

agencies for solid waste collection services (04-0501)

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 June 15, 2004 As a Consent Calendar Item. The motion

carried by the following vote:

Votes:

Absent; 1 - Member Reid

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

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

- Sanjiv Handa

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: 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.

[Item 10 SUPP 6-10-04.pdf,](#)

[Item S-10.32CC 6-15-04,](#)

S-11

Subject: Proposition 218 - Amendment 10

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland supporting Assembly

Constitutional Amendment 10 (ACA 10) which exempts fees and charges for storm water and

urban runoff management from requirements of Proposition 218 (04-0517)

A motion was made by Member Chang, seconded by Member Wan, 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 15, 2004 As a Consent Calendar Item. The motion

carried by the following vote:

Votes:

Absent; 1 - Member Reid

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

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

- *Sanjiv Handa*

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: 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.

[Item 11 SUPP 6-10-04.pdf](#),

[Item S-10.33CC 6-15-04](#),

[Resolution 78630.pdf](#)

S-12

Subject: Assembly Bill 2690 - Volunteer Labor

From: Public Works Agency

Recommendation: Adopt a Resolution of the City of Oakland supporting Assembly Bill 2690 -

change existing laws to exempt volunteer labor from prevailing wage requirements for public

works projects (04-0518)

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 June 15, 2004. The motion carried by the following vote:

Votes:

Absent; 1 - Member Reid

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

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

- Sanjiv Handa

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: 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.

[Item 12 SUPP 6-10-04.pdf](#),

[Item S-10.34CC 6-15-04](#),

[Resolution 78631.pdf](#)

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 11:38

a.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