

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

LaTonda Simmons, Interim 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, February 17, 2005

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:55

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

THE ROLL CALL WAS MODIFIED TO NOTE VICE MAYOR BRUNNER

PRESENT AT 10:56 A.M.

THE ROLL CALL WAS MODIFIED TO NOTE COUNCILMEMBER REID

PRESENT AT 10:58 A.M.

1
Closed Session

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

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

Votes:

Absent; 1 - Member Reid

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

2
Approval of the Draft Minutes from the Committee meeting of February 3, 2005

A motion was made by Member Brunner, 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 Brunner and Chair De La Fuente

3
Determination of Schedule of Outstanding Committee Items

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 Brunner and Chair De La

Fuente

FROM THE PENDING LIST/NO SPECIFIC DATE

Subject: Amendment to the Sunshine Ordinance

From: Office of the City Clerk/Public Ethics Commission

Recommendation: Adopt an Ordinance amending Chapter 2.20 of the Oakland Municipal

Code to require that City Executive Officers provide agenda-related material to the City Clerk;

to provide specific exemptions from the definition of agenda related materials; to amend the

definition of agenda related materials; to amend the definition of software or hardware failure;

and to provide a limited excuse from Public Meeting Notice requirements due to software or

hardware impairments (04-0651)

Scheduled to *Rules & Legislation Committee on 3/3/2005

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4

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

meetings of February 22, 2005 (SUPPLEMENTAL)

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

- *Sanjiv Handa*

4-1

Subject: First Responder Advanced Life Support (FRALS) Services Agreement

From: Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Administrator to enter

into a First Responder Advanced Life Support (FRALS) Services Agreement with

Alameda County Emergency Medical Services District for the term July 2004 to

June 30, 2009 and to appropriate payment anticipated to be \$962,000 for the first

year (Based on \$37,000 per each of 26 First Responder Paramedic Units), with a 3

% increase per year for the term of the agreement; on the March 22, 2005 Public

Safety Committee agenda (05-0114)

Scheduled to *Public Safety Committee on 3/22/2005

4-2

Subject: Eminent Domain Litigation

From: Office of the City Attorney

Recommendation: Adopt a Resolution authorizing and directing the City Attorney

to compromise and settle the Eminent Domain Litigation of City of Oakland v.

Orkin, Inc. dba Thrifty Oil Company ("Thrifty") in the amount of \$326,820 (\$131,

820 plus the City's \$195,000 deposit which Thrifty previously withdrew) as

compensation for the City's Condemnation of 862-868 - 98th Avenue for the City's

widening of 98th Avenue (San Mateo County Superior Court Action No. 336725) (

05-0115)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 3/1/2005

[View Report.pdf](#)

4-3

Subject: Chicago Climate Exchange

From: Vice Mayor Brunner

Recommendation: Action on a Report and Recommendation for the City of

Oakland to negotiate a contract to join the Chicago Climate Exchange, the World's

First Multi-National and Multi-sector Market for reducing and Trading Greenhouse

Gas Emissions; on the March 8, 2005 Finance and Management Committee agenda

(05-0087)

Scheduled to *Finance & Management Committee on 3/22/2005

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

- *Sanjiv Handa*

4-4

Subject: Port of Oakland Billboards

From: Vice Mayor Brunner

Recommendation: Action on a Report regarding Billboards at the Port of Oakland,

which will include a review of the City of Oakland's current land use authority

billboards at the Port of Oakland and recommendations as to how the City can

further regulate the installation of billboards within the City limits, and request to

the Port of Oakland to postpone the approval of any new billboards for 45 days (05

-0088)

Scheduled to *Community & Economic Development Committee on 3/8/

2005

[View Report.pdf,](#)

[View Report.pdf](#)

4-5

Subject: Appointment to the Community Policing Advisory Board

From: Council President De La Fuente

Recommendation: Adopt a Resolution appointing Brendan Mulholland as a

member of the Community Policing Advisory Board representing City Council

District 5 (05-0102)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 3/1/2005

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4-6

Subject: "Michael Morgan Day"

From: Council President De La Fuente

Recommendation: Adopt a Resolution honoring Maestro Michael Morgan on his

15th Anniversary as the Conductor and Musical Director of the Oakland East Bay

Symphony and proclaiming May 20, 2005 as "Michael Morgan Day" in the City of

Oakland; on the May 17, 2005 City Council agenda as a Ceremonial item (05-0103

)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 5/17/2005

4-7

Subject: Mariann Mitchell - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Police Service Technician

Mariann Mitchell for selfless acts of kindness above and beyond the call of duty (

05-0104)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 3/1/2005

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

- *Sanjiv Handa*

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4-8

Subject: Victor Bullock - Service Recognition

From: Councilmember Reid

Recommendation: Adopt a Resolution commending Officer Victor Bullock for

selfless acts of kindness above and beyond the call of duty (05-0105)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 3/1/2005

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4-9

Subject: Riders Case Negotiated Settlement

From: Councilmember Reid

Recommendation: Receive a status report on bringing Oakland Police Department

into compliance with the negotiated settlement arising from the Riders case (05-

0106)

Scheduled to *Public Safety Committee

for scheduling

4-10

Subject: March 2005 as "Arts Education Month"

From: Councilmember Quan

Recommendation: Adopt a Resolution proclaiming March 2005 as "Arts

Education Month" (5 minutes) (05-0107)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 3/15/2005

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4-11

Subject: West Oakland Bay Trail

From: Public Works Agency

Recommendation: A request to reschedule from the March 8, 2005 Public Works

Committee agenda to the March 22, 2005 Public Works Committee agenda adopt

a Resolution authorizing the City Administrator to increase the Change Order

Limit by Seventy Thousand One Hundred Seventy-One Dollars (\$70,171) on the

Construction Contract with Vanguard Construction for the West Oakland Bay

Trail, for a total contract amount not-to-exceed Six Hundred Sixty-Nine Thousand

and Seventy-Six Dollars (\$669,076) (05-0085-1)

***Rescheduled to *Public Works Committee on 3/22/2005**

4-12

Subject: Leona Quarry Geologic Hazard Abatement District (GHAD)

From: Public Works Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution (a) appointing Ignacio De La Fuente as the Chairperson of the

Leona Quarry Geologic Hazard Abatement District (GHAD); (b) appointing

Richard Clark, of Danville Associates, as the GHAD Treasurer/Clerk; (c)

appointing Engeo, Inc. as the GHAD General Manager; (d) appointing Patricia E.

Curtin as the GHAD Attorney; (e) authorizing the Chairperson to negotiate and

enter into a contract with Richard Clark for Treasurer/Clerk services; and (f)

authorizing the Treasurer/Clerk to negotiate and enter into contracts with Engeo,

Inc. for general manager services and with Patricia E.Curtin for GHAD attorney

services (05-0111)

Scheduled to *Public Works Committee on 3/8/2005
as a Public Hearing on March 15, 2005

[View Report.pdf,](#)

[View Report Reso. 1.pdf](#)

Subject: Memorial Park Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to reject

all bids for the Memorial Park Project, to revise the scope of work, and to negotiate

and award a construction contract without return to City Council for an amount not

to exceed six hundred and thirty thousand dollars (\$630,000) (05-0112)

Scheduled to *Public Works Committee on 3/8/2005

[View Report.pdf](#)

4-14

Subject: Amendment to the Master Fee Schedule

From: Public Works Agency

Recommendation: Approve the Introduction of an Ordinance amending Ordinance

Number 12611 C.M.S. (Master Fee Schedule), modifying fees for parking facilities

operated by the City of Oakland; on the March 22, 2005 Finance and Management

Committee agenda (05-0113)

Scheduled to *Finance & Management Committee on 3/22/2005
4-15

Subject: Fiscal Year 2004-2005 Revenue and Expenditure Results

From: Office of the City Administrator

Recommendation: Action on a Report on Fiscal Year 2004-2005 Second Quarter

Revenue and Expenditure Results and Year-End Projections; for City's selected

funds (General Purpose, Telecommunications, Contract Compliance, Equipment

and Facilities) (05-0108)

Scheduled to *Finance & Management Committee on 3/8/2005
[View Report.pdf](#)

Subject: Assessment Process for the Landscaping and Lighting Assessment

District

From: Office of the City Administrator

Recommendation: Adopt a Resolution initiating the Fiscal Year 2005-2006

assessment process for the City of Oakland Landscaping and Lighting Assessment

District and authorizing the City Administrator to order a preliminary Engineer's

Report pursuant to the California Streets and Highways Code (05-0109)

Scheduled to *Finance & Management Committee on 3/8/2005

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Subject: Assessment Process for the Wildfire Prevention Assessment District

From: Office of the City Administrator

Recommendation: Adopt a Resolution initiating the Fiscal Year 2005-2006

assessment process for the City of Oakland Wildfire Prevention Assessment

District and authorizing the City Administrator to order a preliminary Annual

Report pursuant to Oakland Municipal Code (05-0110)

Scheduled to *Finance & Management Committee on 3/8/2005

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(R&L Item 4 2-17-05)

[View Item 4 2-17-05.pdf](#)

5

A review of the agenda(s) for the Concurrent Meeting of the ORA/City Council meeting of

March 1, 2005 and the Rules and Legislation Committee meeting of March 3, 2005

A motion was made by Member Reid, 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*

(View Item 5 2-17-05)

[View Item 5 2-17-05.pdf](#)

6

Subject: Amendment to Chapter 3.20 of The Oakland Municipal Code

From: The Public Ethics Commission

Recommendation: Action on a Report and Recommendation from the Public Ethics

Commission to amend Chapter 3.20 of the Oakland Municipal Code (aka "The Lobbyist

Registration Act") to provide 1) a restriction on elected officials from acting as professional

lobbyists for one-year after leaving office; 2) a limitation on the amount of gifts lobbyists can

give to city officials, staff and their immediate families; 3) quarterly disclosure of a lobbyist's

fundraising activities; 4) quarterly disclosure of any employment relationship among lobbyists,

city officials and staff; 5) disclosure of the names and titles of the persons whom a lobbyist

attempts to influence; and 6) misdemeanor prosecution for knowing and willful violations of

the act and a one-year practice ban upon conviction (05-0029)

Continued to *Rules & Legislation Committee on 3/3/2005

The following individual(s) spoke in favor of this item:

- *Judy Cox*

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

- *Sanjiv Handa*

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) 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 at 11:28 A.M.

NOTE:

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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

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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