

City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California

94612

Ceda Floyd, City Clerk

Online Meeting Minutes - Final

Concurrent Meeting of the Redevelopment Agency and Council Rules and Legislation Committee

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

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

10:30 AM

City Council Chambers - 3rd Floor

Thursday, March 25, 2004

The Oakland City Council Concurrent Meeting of the Redevelopment Agency and Council Rules and Legislation Committee convened at 10:52 a.m., with President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

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

The Roll Call was modified to note Councilmember Wan present at 11:02 a.m.

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:

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

There were no minutes to approve as the March 18, 2004 Rules and Legislation Committee was cancelled due to a lack of a quorum.

3 Determination of Schedule of Outstanding Committee Items

A motion was made by Member Reid, seconded by Member Chang, to *Approve as Submitted. The motion carried by the following vote:

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

4 Scheduling of Agenda Items and revisions to the agenda for the Special ORA/City Council Work Session of March 30, 2004

A motion was made by Member Wan, seconded by Member Reid, to *Approve with the following amendments. The motion carried by the following vote:

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

The following individuals spoke on Item 4:

- Mark Markarian
- Mario Savioni
- Marcos Escobar
- Marie Torres
- Claire Darby
- Sanjiv Handa

4.1

Subject: Alameda Point General Plan Amendment - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of City of Oakland v. City of Alameda (Alameda Point General Plan Amendment) on the following terms: City will provide \$462,000 in traffic and pedestrian safety improvements in Oakland Chinatown; City of Alameda will provide an additional \$500,000 for such improvements in Oakland Chinatown; and the City of Alameda will provide \$75,000 to cover the cost of establishing and administering an Oakland Chinatown Advisory Committee that will advise Oakland and Alameda on Chinatown development and environmental review issues (Alameda County Superior Court Case Number RG-03133599)

Attachments: [04-0235.pdf](#),
[10.8CC.pdf](#)

As a Consent Calendar item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.2

Subject: March 2004 Municipal Nominating Election
From: Office of the City Clerk
Recommendation: Adopt a Resolution declaring the results of the Municipal Nominating Election held on Tuesday, March 2, 2004; on the April 20, 2004 City Council agenda

(This is a ministerial act by the Council to adopt the City of Oakland results for the March 2, 2004 Election as certified by the Alameda County Registrar of Voters.)

Attachments: [04-0237.pdf](#)

As a Consent Calendar item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.3

Subject: Sandre R. Swanson
From: President De La Fuente and Councilmember Brunner
Recommendation: Adopt a Resolution declaring Sandre R. Swanson Day in Oakland and commending him for 30 years of public service

Attachments: [04-0220.pdf](#),
[8.1.pdf](#)

As a Ceremonial presentation.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.4

Subject: 2004 Earth Day Activities
From: Councilmember Nadel
Recommendation: Adopt a Resolution recognizing Earth Day activities on April 24, 2004; on the April 20, 2004 City Council agenda as a ceremonial item

Attachments: [04-0232.pdf](#)

As a Ceremonial item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.5

Subject: City of Oakland 10th Annual Earth Expo
From: Councilmember Nadel
Recommendation: Adopt a Resolution commending the City of Oakland's 10th Annual Earth Expo; on the April 20, 2004 City Council agenda as a ceremonial item

Attachments: [04-0232-1.pdf](#)

As a Ceremonial item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.6

Subject: Warren Freeway State Route 13-Scenic Highway Status
From: Councilmember Quan
Recommendation: Adopt a Resolution urging the Legislature of the State of California to enact legislation declaring the Warren Freeway, State Route 13, eligible for Scenic Highway status

Attachments: [04-0233.pdf](#),
[Item 24 4-6-04.pdf](#)

This item was forwarded directly to the Council agenda due to its time-sensitive nature related to State legislation.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

- 4.7
- Subject: Armenian Genocide Commemoration Day
From: Councilmember Nadel
Recommendation: Adopt a Resolution declaring April 24, 2004 as Armenian Genocide Commemoration Day; on the April 6, 2004 City Council agenda
Attachments: [04-0240.pdf](#)
- As a Ceremonial item.
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4.8
- Subject: Travel Authorization
From: Councilmembers Brunner and Wan
Recommendation: Adopt a Resolution authorizing Councilmember Jane Brunner and Councilmember Danny Wan's travel to Washington, D.C. on March 17-19, 2004 to meet with Federal officials
Attachments: [04-0241.pdf](#),
[Item 25 4-6-04.pdf](#)
- As a Non-consent item.
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4.9
- Subject: Fenton's Creamery
From: Community and Economic Development Agency
Recommendation: Receive a report on Fenton's Creamery and its compliance with Conditions of Approval; on the April 27, 2004 Community and Economic Development Committee agenda
Attachments: [003758-2.pdf](#)
- Scheduled to the *Community & Economic Development Committee**
- 4.10
- Subject: Students Run Oakland Program
From: Vice Mayor Chang
Recommendation: Adopt a Resolution commending the Students Run Oakland (SRO) Program for outstanding achievement and contribution to Oakland youth
Attachments: [04-0245.pdf](#),
[8.3.pdf](#)
- As a Ceremonial presentation.
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4.11
- Subject: Sexual Assault Awareness Month
From: Councilmember Nadel
Recommendation: Adopt a Resolution declaring April as "Sexual Assault Awareness Month"
Attachments: [04-0249.pdf](#),
[8.2.pdf](#)
- As a Ceremonial presentation.
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4.12
- Subject: Worker Retention at Large-Scale Hospitality Businesses
From: President De La Fuente and Councilmember Brunner
Recommendation: Adopt an Ordinance regarding Worker Retention at Large-Scale Hospitality Businesses; on the City Council agenda as soon as possible
Attachments: [04-0250.pdf](#)
- Scheduled to the *Community & Economic Development Committee**
- 4.13
- Subject: Assembly Bill 1967
California Marriage License Non-Discrimination Act
From: Councilmember Wan
Recommendation: Adopt a Resolution supporting Assembly Bill 1967, the "California Marriage License Non-Discrimination Act"
Attachments: [04-0251.pdf](#),
[Item 15 4-6-04.pdf](#)
- This item was forwarded directly to the Council agenda due to its time-sensitive nature related to State legislation.
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**

4.14

Subject: Assembly Joint Resolution 67 - Federal Marriage Amendment
From: Councilmember Wan
Recommendation: Adopt a Resolution urging defeat of the proposed Federal Marriage Amendment (House Joint Resolution 56 & Senate Joint Resolution 26) and the proposed Assembly Joint Resolution endorsing a Federal Marriage Amendment (AJR No. 67)

Attachments: [04-0253.pdf](#),
[Item 15.1 4-6-04.pdf](#)

This item was forwarded directly to the Council agenda due to its time-sensitive nature as related to Federal legislation.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.15

Subject: Same Sex Marriage - San Francisco Court Case
From: Councilmember Wan
Recommendation: A Closed Session discussion regarding the City of Oakland's participation in the San Francisco Superior Court Case on same sex marriage; on March 30, 2004 as a Closed Session item

Attachments: [04-0253.pdf](#)

As a Closed Session discussion item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.16

Subject: Senate Bill 1366 - Release of Sexual Predators
From: Councilmember Brooks
Recommendation: Adopt a Resolution declaring the City of Oakland's support of Senate Bill 1366 which would require that sexual predators be returned to the county where they were convicted except under extraordinary circumstances, and mandate notification of local law enforcement 45 days prior to release

Attachments: [04-0260.pdf](#),
[Item 18 4-6-04.pdf](#)

This item was forwarded directly to the Council agenda due to its time-sensitive nature as related to State legislation.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.17

Subject: 2004 Summer Food Service Program
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and appropriate the Summer Food Service Program Grant from the California Department of Education in an estimated amount of \$634,005 and to execute a professional services agreement in an amount not to exceed \$458, 735 between the City and the San Lorenzo Unified School District to provide food services for the 2004 Summer Food Service Program for Children; on the April 27, 2004 Life Enrichment Committee agenda

Attachments: [04-0231.pdf](#)

Scheduled to the *Life Enrichment Committee

4.18

Subject: Alameda County Measure B Funds for 2004-2005 Paratransit Services
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and appropriate funds in the amount of \$886,110 from Alameda County Measure B Funds for the Fiscal Year 2004-2005 for paratransit services and continuation of the second year of a four year agreement with Alameda County Transportation Improvement Authority (ACTIA); on the April 27, 2004 Life Enrichment Committee agenda

Attachments: [003445-1.pdf](#)

Scheduled to the *Life Enrichment Committee

4.19

Subject: Multipurpose Senior Services Program (MSSP)
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the the City Administrator to apply for, accept and appropriate a grant in the amount of \$1,352,467 from the State Department of Aging for the Multipurpose Senior Services Program (MSSP) for Fiscal Year 2004-2005; on the June 22, 2004 Life Enrichment Committee agenda

Attachments:

[04-0247.pdf](#)

Scheduled to the *Life Enrichment Committee

4.20

Subject: Evaluation of Paratransit Services in the City of Oakland
From: Department of Human Services
Recommendation: Receive an Informational Report on the evaluation of paratransit services offered under City of Oakland contracts; on the May 25, 2004 Life Enrichment Committee agenda

Attachments:

[04-0254.pdf](#)

Scheduled to the *Life Enrichment Committee

4.21

Subject: Pedestrian Streetscape Enhancements - Telegraph Avenue
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to negotiate and execute a contract for an amount not to exceed \$145,000 with Korve Engineering for professional services to prepare a planning study for pedestrian streetscape enhancements to Telegraph Avenue from 20th Street to Claremont Avenue; on the April 27, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0229.pdf](#)

Scheduled to the *Community & Economic Development Committee

4.22

Subject: Final Map for Tract 7464
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution approving final map of Tract 7464, a 100 -lot subdivision located at Mandela Parkway, Oakland, Alameda County, California, and accepting offers for dedication contained thereon and authorizing the Superintendent of Streets to enter into an agreement with Ettie Street, LLC for improvements to be constructed in said subdivision; fixing the amount of security to guarantee the faithful performance of such agreement and adopting plans and specifications for such improvements; on the May 11, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0230.pdf](#)

Scheduled to the *Community & Economic Development Committee

4.23

Subject: Planning Commission Appeal-Tentative Tract Map 7485
Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing on an appeal of the Planning Commission's approval of Tentative Tract Map TTM7485, to re-subdivide two existing parcels into five parcels (A04-110, East side of Crestmont Drive at the intersection with Westfield Way, APN's: 37A-3148-040 and 37A-3148-041); on the May 4, 2004 City Council agenda

Attachments:

[04-0239.pdf](#)

As a Public Hearing.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.24

Subject: 901 Franklin Street Parking Garage
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution authorizing the Agency Administrator to enter into an operation and management agreement for a term of 12 months and renewable thereafter with CMA Asset Management for an Agency-owned parking garage located at 901 Franklin Street; on the April 27, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0243.pdf](#)

Scheduled to the *Community & Economic Development Committee

4.25

Subject: Planning Commission Appeal-VMD04-401 - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and adopt a Resolution regarding the appeal of Planning Commission approval of Case File Number VMD04-401 (construction of a new single-family residence located on a vacant lot adjacent to 3601 Lakeshore Avenue); on the May 18, 2004 City Council agenda
Attachments:

[04-0246.pdf](#)

As a Public Hearing.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.26

Subject: Oakland Waterfront Trail Project
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the application for, acceptance, and appropriation of \$210,000 from the State of California Department of Parks and Recreation Land and Water Conservation Fund Program for a Measure DD Oakland Waterfront Trail Project; on the April 27, 2004 Life Enrichment Committee agenda
Attachments:

[04-0248.pdf](#)

Scheduled to the *Life Enrichment Committee

4.27

Subject: 2004 Arbor Day
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution proclaiming Friday, April 30, 2004 to be Oakland's Arbor Day 2004 and authorizing an official tree planing ceremony at Brookdale Park, 2535 High Street; on the April 20, 2004 City Council agenda as a Consent Calendar item
Attachments:

[04-0242.pdf](#)

As a Ceremonial item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.28

Subject: Public Employees' Retirement System Contract Amendment
From: Office of the City Manager
Recommendation: Adopt a Resolution of Intention and adopt an Ordinance to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City Council of the City of Oakland to provide 2.7% @ 55 for Miscellaneous Employees, and 3% @ 50 for Sworn Fire, retirement benefits; on the April 20, 2004 City Council agenda (Final Passage of the Ordinance to be scheduled for May 18, 2004 in accordance with PERS regulations)
Attachments:

[04-0236.pdf](#)

Final Passage of the Ordinance is scheduled for May 18, 2004 in accordance with PERS regulations.

This item was forwarded directly to the City Council agenda due to its time sensitive nature as determined by the Rules and Legislation Committee.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

4.29

Subject: Landscaping and Lighting Assessment District
From: Office of the City Manager
Recommendation: Adopt a Resolution of Intention and accepting the Fiscal Year 2004-2005 Preliminary Engineer's Report for the City of Oakland Landscaping and Lighting Assessment District and setting the date for a Public Hearing; on the April 27, 2004 Finance and Management Committee agenda
Attachments:

[04-0244.pdf](#)

Scheduled to the *Finance & Management Committee

ADDITIONAL SCHEDULING REQUEST:

Subject: MLK/BART Senior Homes Project
From: Community and Economic Development Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance authorizing the negotiation and execution of an agreement with Oakland Community Housing, Inc., and Community Development Corporation of Oakland to provide for the transfer at no cost of the City-owned lot at 3823 Martin Luther King Jr. Way for its inclusion in the MLK/BART Senior Homes Project

Attachments:

[Item 21.2 4-6-04.pdf](#)

As a Non-consent item.

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

5

A review of the Council Committees' actions from March 23, 2004 and determination of scheduling to the ORA/City Council meeting of April 6, 2004 (2 weeks) or future dates (The March 30, 2004 Special City Council meeting is scheduled as a work session)

The following individual spoke on Item 5:

- Sanjiv Handa

A motion was made by Member Chang, seconded by Member Wan, to *Approve as Submitted. The motion carried by the following vote:

Aye;

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

Please refer to Attachment A of these minutes for the determination of scheduling to the City Council agenda.

Attachments:

[Attachment A 3-25-04.pdf](#)

6

A review of the Agenda for the ORA/City Council for the meeting of April 6, 2004

The following individual spoke on Item 6:

- Sanjiv Handa

***Approve with the following amendments**

Subject: Jamilah Jefferson - Citizens Police Review Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Jamilah Jefferson as a member of the Citizens Police Review Board

Attachments:

[Item 26 4-6-04.pdf](#)

Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council

7

Subject: Oakland Army Base Public Trust Exchange Act
From: Community and Economic Development Agency
Recommendation: Adopt the following legislation in support of Senate Bill 1435:

1) Adopt a Resolution supporting State legislation regarding a Public Trust Land Exchange at the former Oakland Army Base and authorizing the City Administrator to negotiate and enter into an exchange agreement with the State Lands Commission and to take all other necessary actions to effectuate the exchange; and

Attachments:

[04-0199.pdf](#)

[10.29CC.pdf](#)

[Item 7 3-25-04.pdf](#)

The following individual spoke on Item 7:

- Sanjiv Handa

A motion was made by Member Wan, 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 April 6, 2004. As a Consent Calendar item. The motion carried by the following vote:

Aye;

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

8

[Item 7 3-25-04.pdf](#)

9

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

[Item 8 3-25-04.pdf](#)

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3-

[Item 9 3-25-04.pdf](#)

1 -

3.

There being no further business, and upon the motion duly made, the Concurrent Meeting of the Oakland Redevelopment Agency and Council Rules and Legislation Committee adjourned the meeting at 12:13 p.m.

Americans With Disabilities Act

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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.