

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, November 16, 2006

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

The Oakland City Council Rules and Legislation Committee convened at 10:50

AM with Council President De La Fuente presiding as Chairperson.

1

Closed Session

2

Approval of the Draft Minutes from the Committee meeting of November 2, 2006

There was no action necessary for this item

3

Determination of Schedule of Outstanding Committee Items

There was no action necessary for this item

4

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

meeting of November 21, 2006 (SUPPLEMENTAL)

S-4-1

Subject: Cable Franchise Fees

From: Office of the City Auditor

Recommendation: Receive An Informational Report On Cable Franchise Fees Due

From Comcast Cable For The Two Years Ended December 31, 2005

[06-0937](#)

Scheduled to *Finance & Management Committee on 12/12/2006

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

- *Sanjiv Handa*

[View Report.pdf](#)

S-4-2

Subject: Communications Technology Cluster Payments

From: Office of the City Auditor

Recommendation: Receive An Informational Report On The Performance Audit

Of Payments Made To An Agreement Entered Into On Behalf Of Communications

Technology Cluster For The Period Covering March 2, 1999 Through October 24,

2006; For Scheduling

[06-0938](#)

Continued to *Rules & Legislation Committee on 11/30/2006

for scheduling

S-4-3

Subject: Oil Independent Oakland Procedures

From: Councilmember Nancy Nadel

Recommendation: Adopt An Ordinance Establishing the Procedures Of The "Oil

Independent Oakland By 2020" Task Force And Providing The Terms And

Responsibilities Of The Task Force Members

[06-0931](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf,](#)

[80305 CMS.pdf](#)

S-4-4

Subject: Priority Project Funds - District Seven

From: Councilmember Larry Reid

Recommendation: Adopt A Resolution Authorizing Immediate Allocation Of

\$15,000 From Councilmember Larry E. Reid's Priority Project Funds To Oakland's

Potter House To Assist At Risk Youth And Their Families In The Reunification

Process By Facilitating Healthy Relationships While Providing Support Through

Workshops

06-0936

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf,](#)

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[80284 CMS.pdf](#)

S-4-5

Subject: Priority Project Funds - District Five

From: Council President De La Fuente

Recommendation: Adopt A Resolution Immediately Allocating \$3,636 From City

Council President Ignacio De La Fuente's Priority Project Funds To "The Crucible"

For A Nine Week After School Workshop For Edna Brewer Middle School

Students For The Creation Of 30 Metal Flowers As Part Of A School

Beautification Project

06-0943

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

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

- *Sanjiv Handa*

[View Report.pdf,](#)

[80285 CMS.pdf](#)

S-4-6

Subject: Gang Prevention And Intervention Services

From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Execute Agreements Between The City Of Oakland And Project Re-Connect For

An Amount Not To Exceed \$85,000 And The Oakland Unified School District

Office Of Alternative Education For An Amount Not To Exceed \$255,000 To

Provide Gang Prevention And Intervention Services In Accordance With The

Violence Prevention And Public Safety Act Of 2004 For The Period Of January 1,

2007 To December 31, 2007 With A One Year Option To Renew

[06-0930](#)

Scheduled to *Public Safety Committee on 12/12/2006

[View Report.pdf,](#)

[80346 CMS.pdf](#)

S-4-7

Subject: Suncal Project At Oak Knoll

From: Community and Economic Development Agency

Recommendation: Action On A Report On The Provision Of Affordable Housing

As Part Of The Proposed Development By Suncal Oak Knoll In The Oak Knoll

Redevelopment Area, And Direction On The Reallocation Of Surplus Central City

East Affordable Housing Units To Meet All Or A Portion Of The Affordable

Housing Area Production Requirements For Oak Knoll

06-0926

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland

Redevelopment Agency / City Council on 12/5/2006

[View Report.pdf](#)

S-4-8

Subject: Butters Land Trust

From: Community and Economic Development Agency

Recommendation: Adopt An Ordinance Authorizing The City Administrator To

Negotiate And Execute A Purchase And Sale Agreement With Butters Land Trust

For The City's Purchase Of 11,960 Square Feet Of Land Located On Butters Drive

(APN 029-1167-012) For The Fair Market Value Of One Hundred Eighty-Five

Thousand Dollars (\$185,000) Plus Closing Costs Not To Exceed Five Thousand

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

December 12, 2006 Finance And Management Committee Agenda

06-0939

***Withdrawn with No New Date**

S-4-9

Subject: MacArthur Transit Village

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency

Administrator To Execute A Non-Binding Letter Of Intent With MacArthur

Transit Community Partners, LLC, Towards An Owner Participation Agreement

For The MacArthur Transit Village Project At The MacArthur BART Station, And

Authorizing A Predevelopment Grant For This Project For An Amount Not To

Exceed \$1.5 Million

06-0940

Scheduled to *Community & Economic Development Committee on

12/12/2006

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[2006-0091 CMS.pdf](#)

S-4-10

Subject: Zephyr Gate Subdivision

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Granting Pulte Homes Corporation A

Revocable And Conditional Permit To Allow Electrical Transformers And Vaults

For The Zephyr Gate Subdivision At 1203 - 1333 Wood Street To Encroach Under

The Public Sidewalk Along Wood Street, 12th Street, And 14th Street

06-0941

Scheduled to *Public Works Committee on 12/12/2006

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[80323 CMS.pdf](#)

S-4-11

Subject: Final Map For Tract 7687

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving The Final Map For Tract 7687 For The

Zephyr Gate Subdivision At 1203-1333 Wood Street And Conditionally Accepting

Irrevocable Offers Of Dedication For Public Right-Of-Way And Public Access

And Utility Easements; And

[06-0942](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/19/2006

[View Report.pdf,](#)

[80318 CMS.pdf](#)

S-4-12

Subject: Parking Meter Zones

From: Public Works Agency

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title

10, Chapter 10.36, Section 10.36.140 To Clarify And Comprehensively Set Forth

Parking Meter Zones Throughout The City Of Oakland

[06-0932](#)

Scheduled to *Finance & Management Committee on 11/28/2006

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

- *Sanjiv Handa*

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[12779 CMS.pdf](#)

S-4-13

Subject: East 12th Street Bikeway Project

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Of Oakland To

Apply For, Accept, And Appropriate Up To Three Hundred Thousand Dollars

(\$300,000.00) In Fiscal Year 2006-2007 Alameda County Measure B Bicycle And

Pedestrian Discretionary Funds For The East 12th Street Bikeway Project, 2nd To

38th Avenues

[06-0933](#)

Scheduled to *Public Works Committee on 11/28/2006

[View Report.pdf,](#)

[80290 CMS.pdf](#)

S-4-14

Subject: Regional Bikeway Gap Closures Project

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Of Oakland To

Apply For, Accept, And Appropriate Up To Three Hundred Thousand Dollars

(\$300,000.00) In Fiscal Year 2007-2008 Bicycle Transportation Account (BTA)

Funds For The Market/27th Streets Regional Bikeway Gap Closures Project

06-0934

Scheduled to *Public Works Committee on 11/28/2006

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

- *Sanjiv Handa*

[View Report.pdf](#),

[80291 CMS.pdf](#)

S-4-15

Subject: Park Capital Improvement Projects

From: Public Works Agency

Recommendation: Adopt A Resolution Adopting A Park Project Prioritization List

For City Of Oakland Park Capital Improvement Projects

06-0935

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/19/2006

as a Non-Consent item

[View Report.pdf](#)

S-4-16

Subject: Miller & Van Eaton - Professional Services Agreement

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Execute A Professional Services Agreement Between The City Of Oakland And

Miller & Van Eaton In An Amount Not To Exceed \$80,000 To Represent The City

Of Oakland In Cable Television Franchise Renewal Negotiations With Comcast

And For Providing Advice To City Council And City Staff Regarding Franchise

Renewal Negotiations For The Period January 1, 2006 Through June 30, 2007

With One Option Of One Year To Renew

[06-0944](#)

Scheduled to *Finance & Management Committee on 12/12/2006

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[80325 CMS.pdf](#)

ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Landscaping And Lighting Assessment District Activities

From: Public Works Agency

Recommendation: Adopt A Resolution Adopting Policy Recommendations For The City Of

Oakland To Manage Landscaping And Lighting Assessment District (LLAD) Funded Activities

Without A LLAD Increase

06-0945

Scheduled to *Finance & Management Committee on 11/28/2006

[View Report.pdf](#)

Subject: Special Retail Commercial Zone

From: Councilmember Jane Brunner

Recommendation: Action On An Urgency Measure Pursuant To Government Code Section

65858 Amending Chapter 17.48 (C-312 Special Retail Commercial Zone) Establishing A

Condition Use Permit Requirement For General Retail And General Food Sales For Buildings

15,000 Square Feet And Over

06-0946

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

This item will also appear on the December 19, 2006 City Council Agenda

[View Report.pdf](#)

Subject: Winn Schwyhart - Settlement Agreement

From: Office of the City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing Agency Counsel To

Compromise And Settle The Case Of Oakland Redevelopment Agency v. Winn Schwyhart, In

The Amount Of \$625,000, As A Result Of An Eminent Domain Action Commenced By The

Redevelopment Agency To Facilitate The Uptown Project Development

06-0947

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf,](#)

[80257 CMS.pdf](#)

11-16 Rules Item 4

[View Item.pdf](#)

5

A review of the Council Committees' actions from November 14, 2006 and determination of scheduling to the ORA/City Council meeting of December 5, 2006 (MATRIX)

A motion was made to *Approve with the following amendments. The motion carried.

Votes:

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

- Sanjiv Handa

FROM THE NOVEMBER 14, 2006 PUBLIC WORKS COMMITTEE MEETING

Subject: Children's Fairyland Project

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution Appropriating Measure DD Bond Interest Money To

The Children's Fairyland Project (C241810) In The Amount Of One Hundred Eighty-One

Thousand Dollars (\$181,000.00)

[06-0858](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 12/5/2006

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[80308 CMS.pdf](#)

**FROM THE NOVEMBER 14, 2006 COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE MEETING**

Subject: EastSide Arts And Housing LLC Agreement

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation

Agreement With EastSide Arts And Housing LLC To Provide A Residual Receipts Loan In An

Amount Not To Exceed \$249,000 For Permanent Financing Of The EastSide Arts And Housing

Project, A Mixed-Use Development At 2277-2289 International Boulevard

06-0782

***Withdrawn with No New Date**

[View Report.pdf,](#)

[2006-0090 CMS.pdf](#)

Subject: Conversions To Homeowner Condominiums

From: Council President De La Fuente, Councilmembers Brooks and Chang

Recommendation: Adopt An Ordinance To Implement The "Affordable Homes For Oaklanders

Plan" By:

1. Amending O.M.C. Chapter 16.36 (Condominium Conversion) To Do The Following:

Permit Owners Of Residential Property To Pay Fees For A Housing Trust Fund In-Lieu Of

Providing Conversion Rights For The Conversion To Homeowner Condominiums; Require

Purchase Price Discounts And Closing Cost Assistance For Tenants Purchasing Their Units;

Increase Relocation Assistance To Tenants Who Do Not Purchase Their Units; Establish A

Limit Of 800 Converted Units Per Year; And Require An Annual Report; And

2. Amending The Master Fee Schedule To Adjust Application Fees For Conversions To

Homeowner Condominiums (TITLE CHANGE)

It was noted that this item should be returning to Committee in the form of an ordinance

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

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FROM THE NOVEMBER 14, 2006 LIFE ENRICHMENT COMMITTEE MEETING

Subject: 2005-2006 Final Evaluation Report-Oakland Fund For Children And Youth

From: Department Of Human Services

Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And Youth

Final Evaluation Report For Fiscal Year 2005 - 2006

06-0764

This item was scheduled to the Non-Consent calendar

[View Report.pdf](#),

[View Report.pdf](#),

[80338 CMS.pdf](#)

[11-16 Rules Item 5](#)

[View Item.pdf](#)

6

A review of the Agendas for the Council Committees for the meeting(s) of November 28,

2006 and the Rules and Legislation Committee of November 30, 2006

A motion was made to *Approve with the following amendments. The

motion carried.

Votes:

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

- Sanjiv Handa

ON THE NOVEMBER 28, 2006 FINANCE AND MANAGEMENT COMMITTEE AGENDA

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](#)

This item should be item 2.1 for scheduling

[View Report.pdf](#)

Subject: Cash Management Report

From: Finance and Management Agency

Recommendation: Receive An Informational Cash Management Report For The Quarter Ended

September 30, 2006

[06-0948](#)

[View Report.pdf](#)

ON THE NOVEMBER 28, 2006 COMMUNITY AND ECONOMIC DEVELOPMENT

COMMITTEE AGENDA

Subject: EastSide Arts And Housing LLC Agreement

From: Community and Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation

Agreement With EastSide Arts And Housing LLC To Provide A Residual Receipts Loan In An

Amount Not To Exceed \$249,000 For Permanent Financing Of The EastSide Arts And Housing

Project, A Mixed-Use Development At 2277-2289 International Boulevard

[06-0782](#)

***Withdrawn with No New Date**

[View Report.pdf,](#)

[2006-0090 CMS.pdf](#)

Subject: Traffic Impact Program

From: Community and Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion 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

[View Report.pdf,](#)

[View Report.pdf,](#)

[View Supplemental Report.pdf](#)

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](#)

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

Committee on 12/12/2006

This item will also appear as a public hearing on the December 19, 2006 City

Council Agenda

Subject: St. Francis Electric - Agreement

From: Public Works Agency

Recommendation: Adopt Resolutions Authorizing The City Administrator, Or Her Designee,

To 1) Award A Construction Contract To St. Francis Electric For The Oak Center Historical

Marker Project (No. P260210) In The Amount Of Four Hundred Fifty-Three Thousand Three

Hundred Twenty-Five Dollars (\$453,325.00); and 2) Allocate \$163,325.00 Of Oak Center

Redevelopment Project Area Tax Increment Funds To The Project

06-0821

***Withdrawn with No New Date**

ON THE NOVEMBER 28, 2006 LIFE ENRICHMENT COMMITTEE AGENDA

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 Oakland's Community Action Partnership's Anti-Poverty

Service Providers For Calendar Year 2007 In Accordance With Resolution No. 79739 C.M.S.

06-0813

***Withdrawn and Rescheduled to *Life Enrichment Committee on**

12/12/2006

[View Report.pdf,](#)

[80345 CMS.pdf](#)

Subject: Oakland Even Start Program

From: Department of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The

City Of Oakland, To Accept The Even Start Family Literacy Grant For Program Year

2006-2007 From The State Of California Department Of Education In The Amount Of

\$172,500 For The City Of Oakland Even Start Program

06-0854

***Withdrawn and Rescheduled to *Life Enrichment Committee on**

12/12/2006

[View Report.pdf,](#)

[80331 CMS.pdf](#)

ON THE NOVEMBER 28, 2006 PUBLIC SAFETY COMMITTEE AGENDA

Subject: Violence Prevention And Public Safety Act Of 2004 (Measure Y)

From: Office of the City Administrator

Recommendation: Receive An Informational Report Regarding Implementation Of The

Programs And Services Funded By The Violence Prevention And Public Safety Act Of 2004

(Measure Y) From The City Administrator's Office, Department Of Human Services, Oakland

Police Department And Oakland Fire Department

[06-0868](#)

***Withdrawn and Rescheduled to *Public Safety Committee on 12/12/2006**

[View Report.pdf](#)

[11-16 Rules Item 6](#)

[View Item.pdf](#)

7

A Review of the Boards and Commission Directory and Vacancies

A motion was made to *Approve as Submitted. The motion carried.

Votes:

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

- Sanjiv Handa

[Rules Item 7 11-2-06](#)

[View Item.pdf](#)

8

Subject: Lobbyist Registration Act Amendment

From: Public Ethics Commission

Recommendation: An Ordinance Amending 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 Campaign 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

A motion was made that this matter be *Approve as Amended the

Recommendation of Staff, and Forward to the Concurrent Meeting of the

Oakland Redevelopment Agency / City Council, due back on December 5,

2006. The motion carried.

Votes:

The Committee approved recommendations as amended to add department

heads, specifically the classifications of City Administrator, City Clerk and

Budget Director, to the positions restricted by the ordinance

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*

[View Report.pdf,](#)

[View Supplemental Report.pdf,](#)

[12782 CMS.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) spoke under Open Forum:

- Sanjiv Handa

Adjournment

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hours prior to the meeting so we can make reasonable arrangements to ensure accessibility.

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chemical sensitivities, please refrain from wearing strongly scented products to meetings.

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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