

City of Oakland

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Oakland, California

94612

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Online Meeting Minutes - Final

*Rules & Legislation Committee

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

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

10:30 AM

Thursday, January 15, 2004

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:50 a.m., with President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

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

The roll call was modified to note Councilmember Reid present at 11:09 a.m.

1 Closed Session

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

Absent; Member Reid
1 -

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

2 Approval of the Draft Minutes from the Committee meeting of January 8, 2004

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

Absent; Member Reid
1 -

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

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:

Absent; Member Reid
1 -

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

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

- Sanjiv Handa

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

Aye;

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

Subject: Watershed Improvement Program
From: Public Works Agency
Recommendation: Receive the annual informational report regarding the Creek
Program elements of the City of Oakland Watershed and Waterways Program
for 2003

Attachments: [8 2-10-04.pdf](#)

Scheduled to the *Public Works Committee

Subject: State Office of Traffic Safety Grant
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Manager to accept
and appropriate a grant for one hundred twenty seven thousand eight hundred
and twenty eight dollars (\$127,828) from the State Office of Traffic Safety to
the Oakland Fire Department for extrication equipment and training

Attachments: [0067.pdf](#),
[4 2-10-04.pdf](#)

Scheduled to the *Public Safety Committee

Subject: Wildland Firefighting Equipment and Training Grant
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Manager to accept
and appropriate a grant for fifty one thousand five hundred eighty six dollars (\$
51,586) from the Federal Emergency Management Agency (FEMA), United
States Fire Administration (USFA), for wildland firefighting equipment and
training

Attachments: [0068.pdf](#),
[5 2-10-04.pdf](#)

Scheduled to the *Public Safety Committee

Subject: Friendly Transportation, Inc. - Partial Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City
Attorney to compromise and partially settle the eminent domain case of
Oakland Unified School District v. Friendly Transportation, Inc., City of
Oakland, et al. for twenty seven thousand four hundred and fifty dollars (\$27,
450.00), as partial payment to the City for liens accrued on property located at
3835 E. 12th Street, Oakland, Alameda County Superior Court Case number
2002062154

Attachments: [0061.pdf](#),
[10.9CC.pdf](#),
[78325.pdf](#)

**Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council
Enactment No: 78325**

From: Status of Recommendations - June 30, 2003
Subject: City Auditor's Office
Recommendation: Receive the City Auditor's Quarterly Informational Report on
the Status of Recommendations for the Quarter Ended June 30, 2003

Attachments: [0075.pdf](#)

Scheduled to the *Finance & Management Committee

Subject: Fifth Annual Oakland/San Leandro Job Fair
From: Councilmember Reid
Recommendation: A request to reschedule a Presentation of Certificate of Appreciation to the employers that participated in the Fifth Annual Oakland/San Leandro Job Fair

Attachments:

[0026.pdf](#)

***Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**

Subject: Oak Street Housing, L.P.
From: Community and Economic Development Committee
Recommendation: Adopt a Resolution granting Oak Street Housing, L.P., a California Limited Partnership, a conditional revocable permit for the encroachment of enclosed common space on the third, fourth, and fifth floors of a proposed building into the public right-of-way area of Oak Street

Attachments:

[0060.pdf](#),

[3 2-10-04.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Recycled Tires - Assembly Bill 338
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution supporting Assembly Bill 338 requiring the California Department of Transportation (CAL TRANS) to use rubberized asphalt concrete which contains recycled scrap tires in at least 15% of all State highway asphalt construction or repair projects.

Attachments:

[0069.pdf](#),

[78318 C.M.S..pdf](#),

[S-22.pdf](#)

The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.070 E(2) regarding scheduling of this Item:

1) there is a need to take immediate action which relates to federal or state legislation; and

2) the need for such action came to the attention of the body after the posting of the 10-day agenda.

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

Enactment No: 78318

Subject: Leona Quarry Residential Project - 7100 Mountain Blvd. - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion:
1) Adopt a Resolution approving the applications of the DeSilva Group to close the Leona Quarry, reclaim it and redevelop the site for 477 residential units at 7100 Mountain Boulevard in compliance with the Alameda Superior Court Order (Action Number RG-03077607); and

Attachments:

[0070.pdf](#),

[14.1.pdf](#)

as a Public Hearing

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

Subject: 51st and Desmond Street - Surplus Property
From: Community & Economic Development Agency
Recommendation: Adopt an Ordinance authorizing the City Manager to enter into an offer to purchase agreement with Frank L. Ciangi and Angeliqye B. Ciangi the adjoining property owners for 1,500 square feet of surplus real property located at 51st Street and Desmond Street for the fair market value of \$1,500

Attachments:

[0071.pdf](#),

[3 2-10-04.pdf](#)

Scheduled to the *Finance & Management Committee

Subject: Oakland Business Development Corporation
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution amending Resolution Number 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 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

Attachments: [0073.pdf](#),
[4 2-10-04.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Hinderliter, de Llamas and Associates
From: Community and Economic Development Agency and Finance and Management Agency
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a professional services contract with Hinderliter, de Llamas and Associates for tax auditing, consulting, economic analysis and data services for an amount not to exceed \$373,963 in fixed costs plus additional audit fees for an initial three-year period ending March 31, 2007, plus two optional annual extensions; and authorizing an increase in the Finance and Management Agency's baseline budget by \$137,800 in Fiscal Year 2004-2005 and \$66,800 in Fiscal Year 2005-2006, increasing business tax revenue expectations for Fiscal Year 2004-2005 and Fiscal Year 2005-2006, and using a portion of such increase in revenues to pay for the business tax service component included in the contract

Attachments: [0074.pdf](#)

Scheduled to the *Finance & Management Committee

Subject: One Stop Capital Shop
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Manager to restructure staffing, functions and third party contracts associated with Commercial Lending, Entrepreneur and Small Business Owner Training and Technical Assistance Programs of the One Stop Capital Shop

Attachments: [0078.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Mandela Gateway Associates - West Block
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution granting Mandela Gateway Associates, a conditional revocable permit for the encroachment of specialty pavers into the public right-of-way area on 7th Street and Mandela Parkway (West)

Attachments: [0079.pdf](#),
[5 2-10-04.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Sidewalk Repair - AJW Construction
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing award of a construction contract to AJW Construction for on-call sidewalk repair at various locations throughout the City of Oakland for Fiscal Year 2003-2004 for an amount of \$ 346,000.50 (Project No. C78060)(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [0062.pdf](#),
[4 2-10-04.pdf](#)

Scheduled to the *Public Works Committee

Subject: Architectural Design Services
From: Public Works Agency
Recommendation: Adopt the following Resolutions authorizing professional services agreements for as-needed architectural design services:

1) Resolution authorizing a professional services agreement with YHLA Architects for as-needed architectural design services for an amount not to exceed two hundred fifty thousand dollars (\$250,000)

Attachments: [0063.pdf](#)

Scheduled to the *Public Works Committee

Subject: International Boulevard Merchants Association
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing a professional services agreement with the International Boulevard Merchants Association for sidewalk cleaning services in an amount not to exceed \$45,000; from the January 27, 2004 Public Works Committee agenda to the Public Works Pending List
Attachments:

[0065.pdf](#)

***Withdrawn with No New Date**

Subject: Pavement Management Technical Assistance Program
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing application and acceptance of \$17,706 in metropolitan transportation funded services and payment of matching funds in the amount of \$7,294 for the Pavement Management Technical Assistance Program
Attachments:

[0066.pdf](#),
[5 2-10-04.pdf](#)

Scheduled to the *Public Works Committee

Subject: Sidewalk Repair Program
From: Public Works Agency
Recommendation: Approve recommendations for improvements to the Sidewalk Repair Program
Attachments:

[0076.pdf](#)

Scheduled to the *Public Works Committee

Subject: Temescal Pool Renovation Project,
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to reject all bids for the Temescal Pool Renovation Project, to informally rebid the project, and to award a construction contract to BBI Construction in the amount of six hundred forty-nine thousand six hundred seventy-two dollars (\$649,672) (TITLE CHANGE)(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments:
[0080.pdf](#),
[22.pdf](#),
[4 1-27-04.pdf](#),
[S-10.14 CC.pdf](#)

Scheduled to the *Public Works Committee

Subject: East Bay Task Force
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of forty thousand four hundred nineteen dollars (\$40,419) in Federal funds from the United States Department of Justice, Drug Enforcement Administration (DEA), for overtime costs of four (4) police officers assigned to the East Bay Task Force from October 1, 2003 through September 30, 2004, to the Oakland Police Department

Attachments:
[0064.pdf](#),
[3 2-10-04.pdf](#)

Scheduled to the *Public Safety Committee

Subject: Coliseum Gardens Park / Lion Creek
From: Office of Parks and Recreation
Recommendation: Approve the Introduction (First Reading) Ordinance approving the reconfiguring and reconstruction of the existing Coliseum Gardens Park and restoration of a portion of Lion Creek and authorizing the City Manager to enter into a Real Property Exchange Agreement with the Oakland Housing Authority to transfer fee title for 3.60 acres of City-owned park land in exchange for transfer of fee title for 3.60 acres of land owned by the Oakland Housing Authority, for the purpose of reconfiguring Coliseum Gardens Park and restoring a portion of Lion Creek in support of the Coliseum/Oakland Airport BART Station Area Concept Plan

Attachments: [0072.pdf](#),
[10.8CC.pdf](#),
[24 SUPP 2-3-04.pdf](#),
[3.pdf](#)

Scheduled to the *Life Enrichment Committee

Subject: Nuisance Eviction Ordinance
From: Office of the City Manager
Recommendation: Approve Recommendations on implementation of the "
Public Nuisance Ordinance" and the "Nuisance Eviction Ordinance"

Attachments: [0077.pdf](#),
[19.1.pdf](#),
[Item 3.1 1-27-04.pdf](#)

Scheduled to the *Public Safety Committee

5 A review of the Council Committees' actions from January 13, 2004 and determination of
scheduling to the ORA/City Council meeting of January 20, 2004 or future dates

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

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

Attachments: [Attachment A](#)

Please refer to Attachment A for the scheduling assignment of those items discussed at
the Council Committee meetings of January 13, 2004.

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

6 A review of the Agendas for the Council's Committees for the meetings of
January 27, 2004

Attachments: [Item 6.pdf](#)

**A motion was made by Member Chang, seconded by Member Wan, that this
matter be Accepted as Amended. The motion carried by the following vote:**

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

CHANGES TO THE JANUARY 27, 2004 PUBLIC WORKS AGENDA

Subject: International Boulevard Merchants Association
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing a professional services
agreement with the International Boulevard Merchants Association for sidewalk
cleaning services in an amount not to exceed \$45,000

Attachments: [04-0024.pdf](#)

***Withdrawn with No New Date**

**ADDITIONS TO THE JANUARY 27, 2004 FINANCE & MANAGEMENT COMMITTEE
AGENDA**

Subject: Oakland Municipal Code Chapter 2.04 - Purchasing System
From: Office of the City Attorney
Recommendation: Receive the City Attorney Opinion regarding proposed
amendments to Oakland Municipal Code, Chapter 2.04, "Purchasing System"
to authorize City Council Committee approval of contracts

Attachments: [Item 3.1 1-27-04.pdf](#)

Subject: Oakland Municipal Code Chapter 2.04 - Purchasing System
From: Office of the City Attorney
Recommendation: Approve a report and recommendation from the City Attorney regarding the proposed ordinance amending Ordinance No. 7937 C.M.S., and amendments thereto codified at Oakland Municipal Code Chapter 2.04 "Purchasing System" implementing Moving Oakland Forward Team recommendations and correcting errors, deleting obsolete provisions and updating the ordinance
Attachments:
[Item 3.2 1-27-04.pdf](#)

CHANGES TO THE JANUARY 27, 2004 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA:

- 2-1 Subject: Residential Loan Programs
From: Community and Economic Development Agency
Recommendation: Receive a semi-annual report, regarding the status of the City's and Redevelopment Agency's Commercial and Residential Loan Programs, including job creation resulting from commercial Delinquent Loans assigned to the City Attorney, regarding the One Stop Capital Delinquent Loans assigned to the City Attorney's Office - status of collection efforts
- 2-2 Subject: Performance Measures
From: Community and Economic Development Agency
Recommendation: Receive a semi-annual informational report regarding the Fiscal Year 2002-2003 Fourth Quarter Performance Measure for the Community and Economic Development Agency
- 2-3 Subject: Community Development Block Grant Funded Programs
From: Community and Economic Development Agency
Recommendation: Annual evaluation of HUD/Community Development Block Grant Funded Programs
Staff advised that the above scheduling requests would be scheduled from the Pending List at the January 27, 2004 Community and Economic Development Committee meeting and requested they be deleted as individual scheduling items.

CHANGES TO THE JANUARY 27, 2004 PUBLIC SAFETY COMMITTEE AGENDA:

- 3 Subject: Federal Local Law Enforcement Block Grant
From: Oakland Police Department
Recommendation: Adopt a Resolution amending Resolution No. 78106 C.M.S. authorizing the acceptance and appropriation of eight hundred seventy-nine thousand, one hundred seventy-seven dollars (\$879,177) in Federal Local Law Enforcement Block Grant (LLEBG) Funds to the Police Department and ninety-seven thousand, six hundred eighty-six dollars (\$97,686) in matching funds from State Citizen's Options for Public Safety (COPS) funds to supplement front line policing efforts by providing additional support personnel and community outreach
Attachments:
[0277.pdf](#)
[Item 8 12-9-03.pdf](#)
***Rescheduled to the *Public Safety Committee**

- 7 Subject: City of Oakland's 2004 Federal Legislative Agenda
From: Office of the City Manager
Recommendation: Approve the Report regarding the City of Oakland's proposed 2004 Federal legislative agenda
Attachments:
[03-0382.pdf](#)
[20 2-3-04.pdf](#)
[Item 7.pdf](#)

The following individual spoke on Item 7 and did not indicate a position:

- Sanjiv Handa

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 February 3, 2004. The motion carried by the following vote:

Aye;

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

8

Subject: City of Oakland's 2004 State Legislative Agenda

From: Office of the City Manager

Recommendation: Approve the Report regarding the City of Oakland's 2004 proposed State legislative agenda

Attachments: [21 2-3-04.pdf](#),
[Item 8.pdf](#)

The following individual spoke in favor of Item 8:

- Jack McGinity

The following individual spoke on Item 8 and did not indicate a position:

- Sanjiv Handa

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 February 3, 2004. The motion carried by the following vote:

Aye;

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

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 11:41 a.m.

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NOTE:

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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.