

# 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

### \*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

City Council Chambers - 3rd Floor

Thursday, April 29, 2004

The Oakland City Council Rules and Legislation Committee convened at 11:02 a.m.  
with Council President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

**Excused:** Member Chang

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

1 Closed Session

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

**Excused;** Member Chang  
1 -

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

2 Approval of the Draft Minutes from the Committee meeting of April 22, 2004

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

**Excused;** Member Chang  
1 -

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

3 Determination of Schedule of Outstanding Committee Items

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

**Excused;** Member Chang  
1 -

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

Attachments:

[Item 3 4-29-04.pdf](#)

4

Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of  
May 4, 2004

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

- Sanjiv Handa

**\*Approve as Submitted**

Subject: Oakland International Airport - Marine Security Zone

From: Oakland Police Department

Recommendation: Adopt an Ordinance amending the Oakland Municipal Code to add Chapter 10.57 establishing a 200-Yard Marine Security Zone for the waters surrounding the Oakland International Airport

Attachments:

[04-0367.pdf](#)

[Item 3 PSC 5-25-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

Subject: McGuire Research Services, LLC

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and McGuire Research Services, LLC, in an amount not to exceed \$50,000 to conduct a City-wide survey to determine the nature of citizen interaction with police, for the purpose of gathering statistics on citizens' experiences

[0279.pdf](#)

Attachments:

[03-0279.pdf](#)

[10.37CC 12-16-03.pdf](#)

[Item 10.7CC 5-18-04.pdf](#)

[Item 13 12-9-03.pdf](#)

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

Subject: Oakland Safe Streets Task Force

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate an aggregate amount not to exceed forty-two thousand eight hundred seventy-seven dollars and ninety-two cents (\$42,877.92) in reimbursement costs from the Federal Bureau of Investigation (FBI) of four (4) police officers assigned to the Oakland Safe Streets Task Force (OSSTF) for the period of October 1, 2003 through September 30, 2004

Attachments:

[04-0385.pdf](#)

[Item 6 PSC 5-25-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

Subject: City of Oakland Waterways

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the donation of a twenty-four (24) foot, used, custom built Farralon brand boat, valued at approximately sixty-five thousand dollars (\$65,000), from the East Bay Regional Parks Police Department for use by the Oakland Police Department, for law enforcement and homeland security on City of Oakland waterways

Attachments:

[04-0369.pdf](#)

[Item 4 PSC 5-25-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

Subject: Vehicle and Traffic - Oakland Municipal Code

From: Oakland Police Department

Recommendation: Adopt an Ordinance repealing and/or modifying certain sections of Title 10 - "Vehicles and Traffic" of the Oakland Municipal Code (OMC) that could be subject to a challenge of preemption and amending the violation category of the remaining sections of Title 10 of the Oakland Municipal Code from misdemeanors to infractions

Attachments:

[04-0378.pdf](#)

[Item 5 PSC 5-25-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

Subject: Police Administration Building  
From: Oakland Police Department and Public Works Agency  
Recommendation: Receive a report and recommendations on the results of the KPa Consulting Engineers' report regarding the Police Administration Building (PAB), on site proposals for a new PAB, and policy and fiscal issues of the proposed new PAB; to be withdrawn from the May 11, 2004 Public Safety Committee agenda to Pending/No Specific Date

Attachments:

[002027-3.pdf](#)

**\*Withdrawn with No New Date**

Subject: Museum's Restricted Deaccession Fund  
From: Cultural Arts and Marketing Department  
Recommendation: Adopt a Resolution authorizing the City Manager or designee to appropriate funds from the Museum's Restricted Deaccession Fund for the purpose of obtaining Museum objects and to preserve, conserve, restore, and care for objects in the Museum's collections

Attachments:

[04-0379.pdf](#)

[Item 4 LEC 5-25-04.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

Subject: National Endowment For The Humanities Grant  
From: Cultural Arts and Marketing Department  
Recommendation: Adopt a Resolution waiving formal bidding requirements and authorizing execution of a contract with Systems and Space, Inc., in an amount not to exceed six hundred thousand dollars (\$600,000) to be funded by Capital Improvement Project funds necessary to match a National Endowment For The Humanities Grant, the combined funds to be used for manufacturing and installing a museum-quality shelving and collections storage system at the California Collections and Research Center

Attachments:

[04-0380.pdf](#)

[Item 5 LEC 5-25-04.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

Subject: Paratransit Services  
From: Department of Human Services  
Recommendation: Adopt a Resolution authorizing the City Manager to execute contracts with Bay Area Community Services, V. I. P. Transportation, At Your Service (AYS) V. I. P., Friendly Transportation, Friendly Cab Company, Greyline Cab Company, Metro Yellow Cab Company, Yellow Cab Company, Veterans Transportation, Inc. and Veterans Cab Company to provide paratransit services for Fiscal Year 2004-2005 in an amount not to exceed \$800,000 and with Center for Independent Living and Rebuilding Together to provide accessible home improvements for Fiscal Year 2004-2005 in an amount not to exceed \$130,000; on the June 8, 2004 Life Enrichment Committee agenda

Attachments:

[04-0368.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

Subject: West Oakland Community Fund  
From: Community and Economic Development Agency  
Recommendation: Consider a Proposal to establish a West Oakland Community Fund (Community Trust); on the June 22, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0384.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Phase II Broadway Streetscape Improvements  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution accepting and appropriating \$1,450,000 in Alameda County Congestion Management Authority Transportation Improvement Program (CMA TIP) grant funds for Phase II Broadway Streetscape Improvements, and authorizing a funding agreement for the CMA TIP funds; on the June 8, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0371.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Affordable Housing Development Loans  
From: Community and Economic Development Agency  
Recommendation: Adopt the following three (3) Resolutions for affordable housing funding:

(1) Resolution authorizing an Affordable Housing Development Loan in an amount not to exceed \$748,300 to Satellite Housing, Inc. for the Saint Andrew's Manor Senior Housing Project located at 3250 San Pablo Avenue; and

Attachments: [04-0376.pdf](#)  
[Item 5 CEDC 5-25-04.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Oakland Commerce Corporation  
From: Community and Economic Development Agency  
Recommendation: Adopt an Agency Resolution authorizing a professional services agreement in an amount not to exceed \$242,500 with the Oakland Commerce Corporation for ongoing business retention and expansion services, operation of a Targeted Retail Business Retention Program, operation and management of the Business Alert Crime Prevention Program in the Coliseum area, and authorizing an amount not to exceed \$7,500 for contract compliance monitoring costs

Attachments: [04-0377.pdf](#)  
[Item 6 CEDC 5-25-04.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Updated Housing Element  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution approving a Mitigated Negative Declaration and adopting the Housing Element, an element of the General Plan (GP04-069)

Attachments: [04-0381.pdf](#)  
[Item 7 CEDC 5-25-04.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Coliseum Gardens - Phase I Project Interest Rates  
From: Community and Economic Development Agency  
Recommendation: Adopt the following two pieces of legislation:

1) Resolution to amend City Council Resolution Number 77656 C.M.S. to change interest rate terms of \$500,000 of a \$1,500,000 loan to East Bay Asian Local Development Corporation and the related companies of California jointly for the Coliseum Gardens - Phase I Project from an applicable Federal rate (currently 2.52%) to 0% interest; and

Attachments: [04-0382.pdf](#)  
[Item 8 CEDC 5-25-04.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Transportation for Livable Communities (TLC) Grant Applications  
From: Community and Economic Development Agency  
Recommendation: A request for direction on City Council Priorities for Transportation for Livable Communities (TLC) Grant Applications; on the May 25, 2004 Community and Economic Development Committee agenda

Attachments: [04-0383.pdf](#)

**Scheduled to the \*Community & Economic Development Committee**

Subject: Improvement of Sanitary Sewers  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing award of a contract to D'arcy & Harty Construction, Inc. for the improvement of sanitary sewers in the easement between Pinehaven and Valley View Roads (Project No. C200610) for the amount of seventy-one thousand five hundred dollars (\$71,500) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0372.pdf](#)  
[Item 7 PWC 5-25-04.pdf](#)

**Scheduled to the \*Public Works Committee**

Subject: Earthquake Retrofit of Designated Bridges  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of an additional seventy-three thousand six hundred dollars (\$73,600) in Federal Highway Funds for the earthquake retrofit of Broadway-Patton, Hegenberger, and Hamilton bridges (Project Number H24010)

Attachments: [04-0373.pdf](#)  
[Item 8 PWC 5-25-04.pdf](#)

**Scheduled to the \*Public Works Committee**

Subject: Woodminster Cascade Landscaping Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution accepting and expressing appreciation for private donations of \$6,000 from Steven and Wendy Jones, through the Friends of Oakland Parks and Recreation, for a drinking fountain and \$2,000 from Gallagher & Burk, Inc. for the Joaquin Miller Cascade Landscaping Project; and authorizing the City Manager to appropriate said donations of \$8,000 to Project No. C197230 and increase the construction contract with Bay Construction from \$91,000 to \$99,000 for the addition of a drinking fountain, landscaping, and park accessories

Attachments: [04-0374.pdf](#)  
[Item 3 LEC 5-25-04.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

Subject: Fiscal Year 2002-2003 Audit of City's Books  
From: Finance and Management Agency  
Recommendation: Receive the Independent Auditor's Management Letter and Required Communications on the year ended June 30, 2003

Attachments: [04-0386.pdf](#)  
[Item 8 FMC 5-25-04.pdf](#)

**Scheduled to the \*Finance & Management Committee**

Subject: Cash Management Informational Report  
From: Finance and Management Agency  
Recommendation: Receive a Cash Management Informational Report for quarter ended March 31, 2004

Attachments: [04-0370.pdf](#)  
[Item 7 FMC 5-25-04.pdf](#)

**Scheduled to the \*Finance & Management Committee**

Subject: Violence Prevention and Reduction  
From: Office of the City Manager  
Recommendation: Review the draft agenda for the May 10, 2004 Special ORA/City Council meeting regarding Violence Prevention and Reduction

Attachments: [04-0288-1.pdf](#)

The Committee amended the agenda to include staff presentations regarding Definition of Violence; Crime Statistics and Trends; Family Violences Intervention; established three discussion panels for the invited presenters.

**Accepted as Amended**

REQUEST SUBMITTED ON THE DIAS FROM THE CITY ATTORNEY'S OFFICE

Subject: Outside Legal Expenditures  
From: Office of the City Attorney  
Recommendation: Receive an Informational report regarding ten year outside counsel expenditures (1994-2004)

Attachments: [Item 5 FMC 5-25-04.pdf](#)

**\*Withdrawn and Rescheduled to the \*Finance & Management Committee**

Attachments: [Item 4 4-29-04.pdf](#)

Please refer to Attachment A of these minutes for revised determination of scheduling of Committee Actions.

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

**Excused;**

Member Chang

1 -

**Aye;**

Member Reid, Member Wan and Chair De La Fuente

3 -

Subject: California Waste Solutions - Northern Half of the City

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with California Waste Solutions to provide weekly single stream residential recycling collection and processing services in the northern half of the City from January 1, 2005 through December 31, 2012 in an initial amount of approximately \$2,575,000 per year

Attachments: [04-0306.pdf](#),  
[Item 15 pt. 1 5-18-04.pdf](#),  
[Item 15 pt. 2 5-04-04.pdf](#),  
[Item 15 SUPP 5-18-04.pdf](#)

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

Subject: Waste Management of Alameda County - Southern Half of the City

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the Fifth Amendment to the Franchise Agreement for solid waste and yard waste collection and disposal services with Waste Management of Alameda County and authorizing weekly single stream residential recycling collection and processing services in the southern half of the City; weekly yard waste collection; and weekly residential food scraps recycling throughout the City from January 1, 2005 through December 31, 2012 in an initial amount of approximately \$2,957,000 per year

Attachments: [04-0300.pdf](#),  
[Item 15.1 5-18-04.pdf](#)

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

Subject: Residential Food Scraps Recycling Program

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with the Alameda County Waste Management Authority for \$761,000 in funding to purchase containers for the Residential Food Scraps Recycling Program and development of public education materials

Attachments: [04-0301.pdf](#),  
[Item 15.2 5-18-04.pdf](#)

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

Subject: Solid Waste Collection and Disposal Rates

From: Public Works Agency

Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Ordinance No. 11820 C.M.S. increasing rates charged for solid waste collection and disposal for multi-family and single-family ratepayers, increasing City fees paid by Waste Management of Alameda County to the City of Oakland and authorizing the Fifth Amendment to the Franchise Agreement for solid waste and yard waste collection and disposal services to include weekly single stream residential recycling and processing services in the southern half of the City (\$926,000), and City-wide weekly yard waste collection and residential food scraps recycling in an initial amount of approximately \$2,031,000 per year (TITLE CHANGE INCORPORATING PROVISIONS OF THE RESOLUTION PREVIOUSLY NOTICED AS ITEM 15.1 AND DELETED HEREON)

Attachments: [04-0295.pdf](#),  
[Item 15.3 5-18-04.pdf](#),  
[Item 15.3 5-18-04.pdf](#)

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

Attachments:

[Attachment A 4-27-04.pdf](#)

6

A review of the Agendas for the Council Committees for the meetings of May 11, 2004

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

- Sanjiv Handa

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

**Excused;** Member Chang  
1 -

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

FROM THE MAY 11, 2004 PUBLIC WORKS COMMITTEE AGENDA

Subject: Zoning of Designated Parking Areas

From: Public Works Agency

Recommendation: Adopt a Resolution approving the establishment of a: 1) Two-Hour Parking Zone on San Pablo Avenue (east side) between 59th Street and Stanford Avenue; 2) No Parking Any Time Zone on Embarcadero East (north side) between San Antonio Creek and 5th Avenue; 3) No Parking Between 3:00 A.M. and 6:00 A.M. Zone on Claremont Avenue (both sides) between Clifton Street and Hudson Street; and 4) removal of the Two-Hour Parking Zone on 41st Street (south side) between Shafter Avenue and Webster Street

Attachments:

[04-0340.pdf](#)

[Item 4 PWC 5-25-04.pdf](#)

**\*Withdrawn and Rescheduled to the \*Public Works Committee**

Subject: Installation of Stop Signs at Designated Areas

From: Public Works Agency

Recommendation: Adopt a Resolution approving installation of stop signs on: 1) Benevides Avenue at El Centro Avenue; 2) Clara Street at Walter Avenue; 3) Leach Avenue at Wellington Street; 4) Hanover Avenue at Newton Avenue; 5) Birdsall Avenue at Kingsland Avenue; 6) Third Street at Alice Street; 7) Third Street at Clay Street; and  
8) Merriewood Drive at Broadway Terrace/Crown Avenue; 9) Lacey Avenue/Ney Avenue at 72nd Avenue

Attachments:

[04-0342.pdf](#)

[Item 5 PWC 5-25-04.pdf](#)

**\*Withdrawn and Rescheduled to the \*Public Works Committee**

Subject: Oakland Museum of California Woodshop

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to award a construction contract or, if necessary, to negotiate and award a construction contract for the installation of an automated dust collection system in the Oakland Museum of California woodshop for an amount not to exceed one hundred forty thousand dollars (\$140,000) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments:

[04-0344.pdf](#)

pending list.

**\*Withdrawn and Rescheduled to the \*Public Works Committee**

FROM THE MAY 11, 2004 FINANCE AND MANAGEMENT COMMITTEE AGENDA

Subject: Aramark Uniform Services  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution awarding a contract for rental and weekly cleaning of work garments to the lowest responsible bidder, Aramark Uniform Services, in an amount not to exceed four hundred thousand dollars (\$400,000.00) per year during the period April 1, 2004 to March 31, 2005, in accordance with Specification No. 05-983-22-1, and authorizing, without return to Council, extension of said contract, one year at a time, for a total of four additional years

Attachments: [04-0337.pdf](#)  
[Item 4 FMC 5-25-04.pdf](#)

**\*Withdrawn and Rescheduled to the \*Finance & Management Committee**

Attachments: [Item 6 4-29-04.pdf](#)

7

Subject: State Funding for California State Universities  
From: President De La Fuente  
Recommendation: Adopt a Resolution declaring the City of Oakland's Support for the "Save the CSU" Coalition's efforts to preserve State funding for California State Universities

Attachments: [04-0354.pdf](#)  
[78518 CMS.pdf](#)  
[Item 10.14CC SUPP 5-04-04.pdf](#)  
[Item S-7 4-29-04.pdf](#)

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

- Sanjiv Handa

Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Wan to approve the Urgency finding pursuant to Section 2.20.080 E came to the attention of this body subsequent to this agenda being posted and relates to State legislation, hearing no objections, the motion passed by Ayes: Councilmember: Reid, Wan and President of the Council De La Fuente -3, Excused Chang-1

**A motion was made by Member Reid, 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 May 4, 2004. As a Consent Calendar Item. The motion carried by the following vote:**

**Excused;** Member Chang  
1 -

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

**Enactment No:** 78518

**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

The following individual spoke under open forum and did not indicate a position:

- 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 12:50 p.m.

**Americans With Disabilities Act**

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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.