

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, 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, September 30, 2004

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10.46

a.m with Council President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

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

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:**

Votes:

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

2

Approval of the Draft Minutes from the Committee meeting of September 16, 2004

***Approve as Submitted**

3

Determination of Schedule of Outstanding Committee Items (Rules Pending List)

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

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

Votes:

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

(Rules Pending 9-30)

[Rules Pending List 9-30-04.pdf](#),

[Item 3RLC 9-30-04.pdf](#)

4

Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting
of October 5, 2004 (SUPPLEMENTAL)

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

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

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
4-1

A request to confirm the scheduling of the Ordinance authorizing the granting of an

encroachment easement to Hoi Liange Phua and Linli Lee on City property located

at Davie Tennis Stadium at 198 Oak Road, Oakland for the appraised market value

of \$5,350; on the October 12, 2004 Finance and Management Committee agenda

(04-0740)

Scheduled to *Finance & Management Committee on 10/12/2004

[CMTE Rpt & Council Rpt.10.15CC & Council Rpt 26 11....pdf](#)

4-2

Subject: "Kid's First!" Auditor's Report

From: Office of the City Auditor

Recommendation: Receive the City Auditor's report dated July 6, 2004 "Kids First!

Oakland Children's Fund for the period July 1, 1997 through December 31, 2003,

matching mandated Fiscal Year revenues and calendar year expenditures

(04-0647ca)

Scheduled to *Finance & Management Committee
[Committee Report Item 7.2 9-28-04.pdf](#)
4-3

Subject: Ritalinda A. Concepcion - Service Recognition

From: Oakland Fire Department

Recommendation: Adopt a Resolution commending Ritalinda A. Concepcion for

30 years of devoted and dedicated service and congratulating her on her retirement

(04-0788)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/19/2004

[Council Report Item 8.4 10-19-04.pdf,](#)

[78845.pdf](#)

4-4

Subject: Community Police Advisory Board Annual Report

From: Oakland Police Department

Recommendation: Action on a report from the Chief of Police providing

supplemental information, clarification, and commentary on the Community Police

Advisory Board Annual Report to City Council (04-0796)

Scheduled to *Public Safety Committee on 10/12/2004

[Committee Report Item 4 10-12-04.pdf](#)

4-5

Subject: Truancy Reduction and the Attend and Achieve Program

From: Oakland Unified School District

Recommendation: Action on a Report from the Oakland Unified School District

on the Attend and Achieve/Truancy Reduction Campaign (04-0793)

Accepted

[Committee Report Item 3.pdf](#)

4-6

Subject: Oakland Fund for Children and Youth Strategic Plan

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Administrator to

negotiate and execute an agreement with Gibson and Associates for the period of

November 17, 2004 through November 16, 2005, in an amount not to exceed

\$124,778 for professional services to develop the Oakland Fund for Children and

Youth third Strategic Plan (2006-2010) (04-0789)

Scheduled to *Life Enrichment Committee on 10/26/2004

[Cmte Rpt Item 5 & Council Rpt 15.3 11-16-04.pdf](#)

4-7

Subject: Infill Opportunity Zone

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution to identify a Caltrans-owned vacant parcel

(APN 004 0051 018 00), within the West Oakland Redevelopment Area/ West

Oakland Transit Village area, as an "Infill Opportunity Zone", consistent with

current general plan and zoning, in order to expedite the acquisition and

development of this site in residential/mixed use development (04-0790)

Scheduled to *Community & Economic Development Committee on

10/26/2004

[Council Rpt 10.17CC 11-16-04](#)

4-8

Subject: Unity Council - Service Contract

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the a professional service

contract with the Unity Council of Alameda County in an amount not to exceed

\$20,664 for community organizing on Foothill Boulevard between 34th Avenue

and High Street to participate in Commercial District revitalization activities based

on the main street approach (04-0791)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 4.pdf](#)

4-9

Subject: Pedestrian Countdown Signals

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to enter

into a grant agreement with the State of California, Office of Traffic Safety (OTS),

to receive Federal Funds from OTS for an amount not-to-exceed one hundred

thirty-one thousand five hundred dollars (\$131,500), to install Pedestrian

Countdown Signals at twenty-three (23) intersections; on the October 26, 2004

Public Works Committee agenda (04-0792)

Scheduled to *Public Works Committee on 11/9/2004
4-10

Subject: Amendment to the Salary Ordinance

From: Finance and Management Agency

Recommendation: Adopt an Ordinance amending the salary schedule of Ordinance

No. 12187 C.M.S. (The Salary Ordinance) to add the permanent part-time

equivalent classification of Systems Analyst II, PPT. The Ordinance also amends

the classifications of Fire Communications Dispatcher, Senior, Fire

Communications Supervisor, Fire Suppression District Inspector, and Public

Works Operations Manager (04-0787)

Scheduled to *Finance & Management Committee on 10/26/2004
[Cmte Rpt & Council Rpt 21 11-16-04.pdf](#)
4-11

Subject: Amendment to the Salary Ordinance

From: Finance and Management Agency

Recommendation: Adopt an Ordinance amending the Salary Schedule of

Ordinance No. 12298 C.M.S. (The Salary Ordinance) to provide a fifty percent

salary range table for executive management employee job classifications in Unit

UK1, Unit UN1 and Unit UR1 and to amend the classification of City Manager,

Assistant City Manager, Deputy City Manager, Assistant to the City Manager,

Executive Assistant to the City Manager, Receptionist to the City Manager, City

Manager Analyst, Director of Aging, Health & Human Services, Director of Parks

and Recreation, Agency Director of Finance & Management and add the

classifications of Director of Development, Director of Redevelopment &

Economic Development, CPRB Executive Director and Administrative Assistant

to the City Administrator (04-0794)

Scheduled to *Finance & Management Committee on 10/12/2004

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

- *Sanjiv Handa*

[CMTE Rpt 10-12-04 & Council Rpt 28.pdf](#),

[Council Rpt 10-19-04 & Council Rpt 25 11-16-04.p....pdf](#)

4-12

Subject: African American Museum & Library

From: Oakland Public Library

Recommendation: Adopt a Resolution authorizing City Administrator on behalf of

the City of Oakland to enter into Professional Services Agreements with Gene S.

Takeshita in an amount not to exceed one hundred seventy thousand dollars

(\$170,000) and Jeffrey H. Reynolds in an amount not to exceed Sixty-five

Thousand Seven Hundred Dollars (\$65,700) for the design and development of the

History Recording and Media Center (HRMC) and Permanent Exhibit at the

African American Museum & Library at Oakland; on the October 12, 2004 Life

Enrichment Committee agenda (04-0795)

***Withdrawn with No New Date**
S-4-13

Subject: 2004 City Council Retreat

From: Office of the City Administrator

Date and Time: Friday, November 19, 2004, from 9:00am until 5:00pm

LOCATION: Joaquin Miller Conference Center

AGENDA ITEM:

1) Information and Action on the establishment of the Mayor and City Council

priorities for the Fiscal Year 2005-2007 Budget (04-0746)

***Rescheduled to Special Concurrent Meeting of the Oakland**

Redevelopment Agency and City Council - Fiscal Year 2005-2007 Budget

Retreat on 11/15/2004

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

- Sanjiv Handa

ADDITIONAL REQUESTS SUBMITTED UPON THE DIAS

Subject: Domestic Violence Awareness Month

From: Councilmember Quan

Recommendation: A ten minute Presentation and Adoption of a Resolution proclaiming

October Domestic Violence Awareness Month in the City of Oakland (04-0797)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/5/2004**

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: that there is a need to take immediate action

which came to the attention of the local body after the agenda was posted, and

that the need to take immediate action is required to avoid a substantial adverse

impact that would occur if the action were deferred to a subsequent special or

regular meeting relates to a purely ceremonial or commendatory action.

[Council Report Item S-8.7 10-5-04.pdf](#)

Subject: Installation of Class II Bikeway - Market Street

From: Public Works Agency

Recommendation: Resolution authorizing the installation of a Class II Bikeway on Market

Street from West MacArthur Boulevard to 57th Street by reducing travel lanes from four (4)

through lanes to two (2) through lanes and a center left turn lane at a cost of fifty thousand

dollars (\$50,000) from the Measure B funds already allocated to the Market Street Resurfacing

Project (04-0798)

Scheduled to *Public Works Committee on 10/12/2004

[CMTE Rpt Item 8 10-12-04 and 10-13CC 10-19-04.....pdf,](#)

[78858.pdf](#)

(Committees Pending)

[Cmte Pending Lists 9-30-04.pdf](#)

5

A review of the Council Committees' actions from September 28, 2004 and determination

of scheduling to the ORA/City Council meeting of October 5, 2004 or future dates

(MATRIX)

***Approve with the following amendments**

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

- *Sanjiv Handa*

FROM THE SEPTEMBER 28, 2004 PUBLIC WORKS COMMITTEE

3

Subject: Underground Utility District Number 236S - Public Hearing

From: Public Works Agency

Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution of

Intention to establish Underground Utility District Number 236S for developed subdivisions

with completed underground utility service at Ariane Court, a segment of Diablo Drive,

Bishops Court, Observation Place, Skyline Circle and a segment of Redwood Road, pursuant to

Ordinance Number 7769 C.M.S. (Councilmember Brooks, District 6) (04-0621)

Scheduled to *Public Works Committee on 10/12/2004

[Cmtte Rpt 9-28-04 & 10-12-04 and Council Rpt 14.1.....pdf,](#)

[Council S-10.9CC Council Rpt 14.1 11-16-04.pdf,](#)

[78856.pdf](#)

4

Subject: MacArthur Boulevard Utility Undergrounding

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing award of a construction contract to the

responsible low bidder, Underground Construction Company, Inc., in an amount not to exceed

\$9,282,964.45 for construction of Underground Utility District No. 233, on MacArthur

Boulevard (from 73rd Avenue to the San Leandro City line) using \$1,673,022 in City of

Oakland funds out of a budget of \$2,000,000 for the project and payments from PG&E, SBC,

and Comcast totaling \$7,609,942, subject to certain conditions (04-0648)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/5/2004

as a Non-Consent item

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: that action is required to avoid a substantial

adverse impact that would occur if the action were deferred to a subsequent

special or regular meeting.

[Cmte Rpt 9-14-04/9-28-04,](#)

[Council Rpt 9-21-04 & 10-5-04.pdf,](#)

[Council Rpt 10-5-04 & Council Rpt 11-16-04.pdf,](#)

[Council Rpts 10-19-04 & 11-16-04.pdf](#)

5

Subject: Easement - 5982 Ascot Drive

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance abandoning a 5-foot wide reserve public utility

easement located on the northeastern line of 5982 Ascot Drive (04-0712)

Scheduled to *Public Works Committee on 10/12/2004
[CMTE Rpt 5 9-28-04/10-12-04 & Council Rpt 10-19-....pdf](#)

6

Subject: Easement - 6012 Ascot Drive

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance abandoning a 5-foot wide reserve public utility

easement located on the southwestern line of 6012 Ascot Drive (04-0713)

Scheduled to *Public Works Committee on 10/12/2004
[CMTE Rpt 9-28-04/10-12-04 & Council Rpt 10-19-04 &....pdf,](#)

[78850.pdf](#)

7

Subject: Keep Oakland Beautiful Unit - Progress Report

From: Public Works Agency

Recommendations: Receive an Informational Report on the Keep Oakland Beautiful volunteer

program(TITLE CHANGE) (04-0539)

Scheduled to *Public Works Committee on 10/12/2004
[Committee Report Item 7 9-28-04 and Item 6 10-12-....pdf](#)

FROM THE SEPTEMBER 28,2004 FINANCE AND MANAGEMENT COMMITTEE

4

Subject: Purchasing System Amendments

From: Finance and Management Agency/Office of the City Attorney

Recommendation: Approve the Introduction (First Reading) of an Ordinance amending

Ordinance No. 7937 C.M.S., adopted February 6, 1969, and amendments thereto, codified at

Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding,

Contracting and Purchasing, to increase the City Administrator's contract approval limits,

revise City Council approval limits accordingly, revise the local business preference, make

necessary corrections, clarifications, delete obsolete provisions and codify current procedures

(03-0289)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/19/2004

as a Non-Consent item

[Cmte Rpt.pdf](#),

[Cmt Rpt 5-11-04.pdf](#),

[Cmte Rpt 7-13-04.pdf](#),

[Cmte Rpt 9-28-04 & Council Rpt 18 11-16-04.pdf](#)

6

Subject: City Attorney's 2003-2004 Annual Report

From: Office of the City Attorney

Recommendation: Action on an Annual Report from the City Attorney's Fiscal Year 2003-2004

(04-0657)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/19/2004

as a Consent Calendar item

[Committee Report Item 6 9-8-04.pdf,](#)

[Item S-6 Committee Report.pdf,](#)

[Supplementa Council Report Item 10.7CC .pdf](#)

FROM THE SEPTEMBER 28, 2004 COMMUNITY AND ECONOMIC DEVELOPMENT

COMMITTEE

5

Subject: New Market Tax Credit

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City of Oakland to apply for an allocation of New Market Tax

Credits as strong affiliate of Oakland Renaissance NMTC, Inc. (04-0730)

[Committee Report Item 5 9-28-04 and Item 23 10-5....pdf,](#)

[Resolution No. 78843.pdf](#)

2) An Agency Resolution authorizing the Redevelopment Agency to apply for an allocation of

New Market Tax Credits as a strong affiliate of Oakland Renaissance NMTC, Inc (04-0730-1)

This item will be heard only in Open Session.

[Committee Report Item 5 9-28-04 and item 23 10....pdf,](#)

[ORA Resolution No. 2004-55.pdf](#)

FROM THE SEPTEMBER 28, 2004 LIFE ENRICHMENT COMMITTEE

7.1

Subject: Oakland Fund for Children and Youth Fund Balance

From: Department of Human Services

Recommendation: Action on a Report and Recommendations from the Oakland Fund for

Children and Youth Planning and Oversight Committee on the Kids First! fund balance and the

Committee's response to the City Auditor's report (04-0647)

Scheduled to *Finance & Management Committee

Pending List

[Item 7.1 Committee Report.pdf](#)

7.2

A request from the September 28, 2004 Life Enrichment Committee to refer to the City

Auditor's report dated July 6, 2004 "Kids First! Oakland Children's Fund for the period July 1,

1997 through December 31, 2003, matching mandated Fiscal Year revenues and calendar year

expenditures to the Rules and Legislation Committee for scheduling (04-0647ca)

Scheduled to *Finance & Management Committee

Pending List

[Committee Report Item 7.2 9-28-04.pdf](#)

(Cmte Matrix 9-28-04)

[9-28-04 Committee Matrix.pdf](#)

6

A review of the Agendas for the Council Committees meetings of October 12, 2004

***Approve with the following amendments**

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

- *Sanjiv Handa*

(Draft Cmte 10-12-04)

[Draft Agendas for 10-12-04.pdf](#)

Subject: Pedestrian Countdown Signals

From: Public Works Agency

Recommendation: Adopt a Resolution authoring the City Administrator to enter into a grant

agreement with the State of California, Office of Traffic Safety (OTS), in the amount of one

hundred thirty-one thousand five hundred dollars (\$131,500), and to accept and appropriate

project funds to install pedestrian countdown signals at twenty-three (23) intersections

(04-0704)

Scheduled to *Public Works Committee on 11/9/2004

[Committee Report 3.pdf](#)

FROM THE OCTOBER 12, 2004 PUBLIC SAFETY COMMITTEE AGENDA

Subject: Amendment to the Oakland Municipal Code

From: President of the Council De La Fuente

Recommendation: An Ordinance adding Chapter 10.28__ to Title 10, vehicles and traffic, of

the Oakland Municipal Code, regulating the parking of noncommercial buses, campers, camp

trailers, semitrailers, trailers, trailer coaches, trailer buses, fifth-wheel travel trailers,

factory-built housing, house cars, mobilehomes, motorhomes, recreational vehicles or RV's, or

vehicles built or modified for domicile of persons or animals on city streets, portions thereof or

city throughfares throughout the city (04-0684)

Scheduled to *Public Safety Committee on 10/26/2004

[Committee Report Item 10.pdf](#)

7

Subject: Workforce Investment Areas

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution supporting the City of Oakland's continued designation

as a Workforce Investment Area and opposing California Performance Review Section GG23, a

recommendation to realign and consolidate Workforce Investment Areas and Boards (04-0728)

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 October 5, 2004. The motion carried by the following vote:

Votes:

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

[Committee Report Item 7 9-30-04 Item 10-21CC 10....pdf,](#)

[Resolution No. 78836.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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

- 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 11.46

a.m.

NOTE:

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings

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

Phone: (510) 238-7370

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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