

# 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, January 26, 2006**

**10:30 AM**

**City Council Chambers - 3rd Floor**

### **Roll Call / Call to Order**

*The Oakland City Council Rules and Legislation Committee convened at 10:45*

*a.m. with Councilmember Reid presiding as Chairperson.*

### **COMMITTEE MEMBERSHIP:**

Present: Member Chang, Member Reid, Member Brunner and Chair De La

Fuente

*The Roll Call was modified to note President De La Fuente present at 10:55*

*a.m.*

1  
Closed Session

**A motion was made by Member Chang, seconded by Member Brunner, to**

**Accepted. The motion carried by the following vote:**

#### **Votes:**

Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

*The Office of the City Attorney scheduled Closed Session for February 7, 2006*

*at 4:00 p.m.*

2

Approval of the Draft Minutes from the Committee meeting of January 12, 2006

**A motion was made by Member Chang, seconded by Member Brunner, to**

**\*Approve the Minutes. The motion carried by the following vote:**

**Votes:**

Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

3

Determination of Schedule of Outstanding Committee Items

**A motion was made by Member Chang, seconded by Member Brunner, to**

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

**Votes:**

Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

(R&L Item 3 01-26-06)

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4

Scheduling of Agenda Items and revisions to the agenda for the Special ORA/City Council  
meeting) of January 31, 2006

**A motion was made by Member Brunner, seconded by Member Chang, to**

**\*Approve with the following amendments. The motion carried by the**

**following vote:**

**Votes:**

Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Brunner

4-1

Subject: Franchise Grantee Worker Protections

From: Office of the City Attorney

Recommendation: Approve The Introduction (First Reading) Of An Ordinance

Creating Chapter 5.81 Of The Oakland Municipal Code to: Prohibit Franchise

Grantees From Discriminating Against Employees For Participating In Employee

Organizations; Require Franchise Grantees To Notify Contractors And

Subcontractors Of Their Labor Obligations; Prohibit Discrimination Against

Employees For Speaking Before Or Filing A Complaint With Any Government

Agency Or Court; Ensure That Company Policies Are Not Construed To Limit

Organizing Activities By Employees, And: Authorize The Establishment Of A

"Franchise Grantee Workers Rights Board" (TITLE CHANGE) (05-0422-3)

**\*Withdrawn with No New Date**

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4-2

Subject: Franchise Labor Requirements

From: Office Of The City Attorney

Recommendation: Approve The Introduction (First Reading) Of An Ordinance

Amending Title 5 Of The Oakland Municipal Code To Add Chapter 5.82,

Proprietary Interest Franchise Labor Requirements - Card Check, Procedure For

Determining Employee Preference On Representation By Labor Organization,

Which Will Require Franchises In Which The City Has A Proprietary Interest To

Enter Into A Card Check Agreement, A Procedure For Determining Employee

Preference On The Subject Of Whether Or Not To Be Represented, With A Labor

Organization That Requests Such An Agreement (06-0016)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/21/2006**

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4-3

Subject: Comcast Cable Franchise

From: Office of the City Administrator and Office of the City Clerk

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Of The City Of Oakland Amending Chapter 5.16 Of Title 5 Of

The Oakland Municipal Code To Regulate The Occupancy And Use Of Public



Rights-Of-Way By Cable Systems And Open Video Systems, To Provide For

Establishment Of Customer Service Standards; Establishing Franchise And

Licensing Requirements For Operators Of Such Systems And To Prescribe

Minimum Charges, Terms, And Conditions For And Upon The Construction,

Maintenance, And Repair Of Such Systems; And (05-0422)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment**

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2) An Ordinance Of The City Of Oakland Granting A Thirteen Year Cable Franchise To

Comcast Of California/Colorado, LLC To Construct And Operate A Cable System To Provide

Cable Service Within The City Of Oakland; Establishing The Terms And Conditions Of The

Franchise Grant; And Establishing Certain Remedies For The Violation Of The Franchise

(05-0422-1)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/21/2006**

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4-4

Subject: Leona Quarry Construction Effects

From: Councilmember Nadel

Recommendation: Receive A Report On The Effects Of The Construction At

Leona Quarry On The Down-Stream Property Along Chimes Creek During This

Season's Rainstorm Events; On The March 14, 2006 Public Works Committee

Agenda (06-0228)

**Scheduled to \*Public Works Committee on 3/14/2006**  
4-5

Subject: Conditional Permits Specified Locations

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting PPD Merritt I, LLC, A Revocable And Conditional

Permit To Allow Electrical Transformer Vaults For A New Building At 320 23rd

Street to Encroach Under The Public Sidewalk Along 23rd Street And Webster

Street; And (06-0067)

**Scheduled to \*Public Works Committee on 2/28/2006**

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2) A Resolution Granting PPD Merritt I, LLC, A Revocable And Conditional Permit To Allow

Oriel Windows For A New Building At 320 23rd Street To Encroach Over The Public

Sidewalk Along 23rd Street And Valdez Street (06-0067-1)

**Scheduled to \*Public Works Committee on 2/28/2006**

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4-6

Subject: East End I, LLC Agreement Amendment & Property Sale

From: Community and Economic Development Agency

Recommendation: Adopt Agency Resolutions Authorizing: 1) An Amendment To

An Owner Participation Agreement With East End Oakland I, LLC, For 1100

Broadway To Provide The Agency Greater Review And Approval Authority Over

The Development Of A Mixed-Use Project For The 1100 Broadway Site, Restrict

Transfer Of The Project Property Prior To Completion Of The Development, And

Expand The Agency's Remedies In The Event East End Oakland Defaults On Its

Obligations To Develop The Project; And 2) The Sale Of The Public Parking

Garage At 1111 Franklin Street By The Agency To East End Oakland I, LLC, For

A Price Of \$4,350,000 (06-0068)

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

**2/28/2006**

4-7

Subject: Approval of Final Tract Map 7548

From: Community and Economic Development Agency

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Final Map For Tract 7548 For The Artisan Walk

Residential Townhouse Project At 6549 San Pablo Avenue And Accepting Offers

Of Dedication For On-Site Public Utility Easements; And (06-0069)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/21/2006**

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Subject: Revocable And Conditional Permits For The Sienna Hills Subdivision

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Granting Hillside Homes Group, Inc.,

Revocable And Conditional Permits For The Sienna Hills Subdivision At 4301

Keller Avenue To Allow A Retaining Wall And Emergency Egress Stairs To

Encroach Into The Public Right-Of-Way (06-0072)

**Scheduled to \*Public Works Committee on 2/28/2006**  
4-9

Subject: Oakland Park Rangers MOU Amendment

From: Finance and Management Agency

Recommendation: Adopt A Resolution Amending Resolution No. 76836 C.M.S.

To Amend The Memorandum Of Understanding Between The City And The

Oakland Park Rangers Association By Adding Self-Improvement Compensation

To The Agreement (06-0071)

**Scheduled to \*Finance & Management Committee on 2/14/2006**

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4-10

Subject: Zero Waste Goal

From: Office Of The Mayor

Recommendation: A Request To Withdraw From The February 14, 2006 Public

Works Committee Agenda The Adoption Of A Resolution Adopting A Zero Waste

Goal By 2020 For The City Of Oakland And Directing Public Works Agency Staff,

In Concert With The Mayor's Office, To Develop A Zero Waste Strategic Plan To

Achieve The City's Zero Waste Goal; And Reschedule To The February 28, 2006

Public Works Committee Agenda (05-1010)

**Accepted**  
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4-11

Subject: Airport Security Section Budget - Proposed Increase

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or

Her Designee, To Increase Oakland Police Department Appropriations In The

Amount Of One Hundred And Sixty Thousand Dollars (\$160,000) For The

Purchase Of Canine Related Equipment For The Police Department Airport

Security Section Canine Unit, And To Accept Reimbursement Of Said Vehicle

Expenditure From The Transportation Security Administration (06-0065)

**Scheduled to \*Public Safety Committee on 2/28/2006**

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Subject: Reimbursement of Police Overtime

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or

Her Designee, To Accept And Appropriate Ten Thousand One Hundred

Twenty-Four Dollars And Seventy-Four Cents (\$10,124.74) In Federal Funds From

The Transportation Security Administration To The Oakland Police Department In

Overtime Reimbursement Costs For Four (4) Police Officer Canine Teams

Assigned To The Secure Automobile Inspection Lanes II Larkspur Ferry Project

From August 29, 2005 Through September 9, 2005 (06-0066)

**Scheduled to \*Public Safety Committee on 2/28/2006**

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4-13

Subject: Evaluation Of Measure Y Enacted In 2004

From: Office of the City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Negotiate And Execute A Contract Between The City Of Oakland And Berkeley

Policy Associates In An Amount Not To Exceed \$425,000 To Evaluate Measure Y

- The Violence Prevention And Public Safety Act Of 2004 For The Period Of

March 1, 2006 Through August 31, 2007 (06-0070)

**Scheduled to \*Public Safety Committee on 2/14/2006**

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[View Supplemental.pdf](#)

4-14

Subject: Budget Advisory Committee - Quarterly Report

From: Office Of The City Administrator - Budget Office

Recommendation: Receive The Report From The Budget Advisory Committee On

Activities For The Second Quarter Of Fiscal Year 2005-2006 (06-0074)

**Scheduled to \*Finance & Management Committee on 2/28/2006**

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(R&L Item 4 01-26-06)

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5

A review of the Council Committees' actions from January 24, 2006 and determination of

scheduling to the ORA/City Council meeting of February 7, 2006 or future dates

(MATRIX)

**FROM THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

Subject: Public Trust Agreement At Oakland Army Base

From: Community And Economic Development Agency

Recommendation: Action On A Report On The Public Trust Agreement For Property At The

Oakland Army Base Among The State Of California Acting By And Through The State Lands

Commission, The City Of Oakland, The Oakland Redevelopment Agency, The Oakland Base

Reuse Authority, And The Port Of Oakland (05-0913-2)

**\*Approve the Recommendation of Staff, and Forward to Concurrent**

**Meeting of the Oakland Redevelopment Agency/City Council on 2/7/2006**

*as a Non Consent item*

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Subject: Annual Performance and Evaluation Report



From: Community and Economic Development Agency

Recommendation: Action On A Follow-up Report To The Report Presenting The Review Of

Oakland's Consolidated Annual Performance And Evaluation Report (CAPER) For Community

Development Block Grant, Home, Housing Opportunities For People With AIDS And

Emergency Shelter Grant Programs Performance For The Year 2004-2005 (That Includes A

Chart That Shows What Was Actually Budgeted for These Program And The Expenditure

Including Recommendations) (05-0466-2)

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/7/2006**

*as a Non Consent item.*

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Subject: Annual Performance and Evaluation Report

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution (1) Modifying The Home Maintenance And

Improvement Program (HMIP) To Change The Interest Rate From 3% to 0% for Owners With

Income At Less Than 50% Area Median Income (AMI) And From 6% To 3% For Owners With

Income Between 51% And 80% AMI; (2) Changing The Repayment Provisions On HMIP

Loans To Provide For Deferred Loans For Borrowers With Incomes Between 51% And 80%

AMI; And (3) Modifying The Emergency Home Repair Program (EHRP) To Increase The

Maximum Loan From \$7,500 To \$15,000 And To Permit Loans Throughout The Entire City

(05-0466-2-1)

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/7/2006**

*as a Non Consent item.*

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A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of February 7, 2006 and Rules and Legislation Committee Meeting of February 9, 2006

**A motion was made by Chair De La Fuente, seconded by Member Chang,**

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

**Votes:**

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

Fuente

**FROM THE FEBRUARY 7, 2006 CITY COUNCIL AGENDA**

#14.1

Subject: 2400 Filbert Street - Public Hearing

From: Community And Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution

Denying The Appeal And Sustaining The Decision Of The City Planning Commission In

Approving The Application For A Conditional Use Permit And Design Review To Construct A

55 Unit Residential Project At 2400 Filbert Street, Oakland (05-0992)

**\*Rescheduled to Concurrent Meeting of the Oakland Redevelopment**

**Agency/City Council on 2/21/2006**

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(R&L Item 6 01-26-06)

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

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland*

*City Council Rules and Legislation Committee adjourned the meeting at 11:00*

*a.m.*

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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.

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

Office of the City Clerk

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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*