

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

Thursday, February 5, 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

1 Closed Session

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

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

2 Approval of the Draft Minutes from the Committee meeting of January 29, 2004

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

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

3 Determination of Schedule of Outstanding Committee Items

**A motion was made by Member Chang, seconded by Member Reid, 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

From Pending/No Specific Date:

Subject: Selection of a Permanent City Manager

From: Councilmember Brunner

Recommendation: Consider a Motion to establish procedures and a time line
for the selection of a permanent City Manager; on the Finance and

Management Committee agenda for scheduling to a meeting in January, 2004

Attachments:

[03-0340.pdf](#)

***Withdrawn with No New Date**

4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings
of February 10, 2004

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

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

Subject: Nuisance Enforcement Unit - Alternative "B"
From: Office of the City Attorney
Recommendation: Adopt a Resolution appropriating \$358,000 for the Nuisance Enforcement Unit in the Office of the City Manager, including additional City Attorney services to support nuisance enforcement

Attachments: [04-0125.pdf](#),
[19-4.pdf](#),
[19.4](#)

As a Non-Consent Item

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

Subject: California Department of Transportation - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of City of Oakland, et al. v. California Department of Transportation et. al., (Federal District Court number C02-1307SI, Sacramento County Superior Court case number 02CS000391, our file number AO1091) with the acceptance of easements for the use of approximately 12.5 acres of land adjacent to the former Oakland Army Base (Community and Economic Development Agency); and

Attachments: [04-0133.pdf](#),
[10.6CC.pdf](#)

As a Non-Consent Item

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

Subject: West Coast Blues Hall of Fame
From: Councilmember Reid
Recommendation: Adopt a Resolution honoring the 2004 Inductees to the West Coast Blues Hall of Fame

Attachments: [04-0112.pdf](#),
[8.2.pdf](#)

As a Ceremonial Item

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

Subject: Measure 2 Traffic Congestion Relief Plan
From: Councilmember Reid
Recommendation: Adopt a Resolution to support Regional Measure 2 Traffic Congestion Relief Plan on the Alameda County March 2, 2004 Ballot with a 5 Minute Presentation

Attachments: [04-0114.pdf](#),
[8.4.pdf](#)

As a Presentation

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

Subject: Municipal Code Amendment - Keeping of Animals
From: Councilmember Reid
Recommendation: Adopt an Ordinance amending Section 6.04.320 of the Oakland Municipal Code concerning the keeping of fowl in the City and prohibiting the keeping of roosters in the City; adding Section 6.04.390 to the Oakland Municipal Code to prohibit the keeping of farm animals outside of areas zoned R-10; and adding Section 6.04.400 to limit the number of dogs per household to four

Attachments: [04-0117.pdf](#)

Scheduled to the *Public Safety Committee

Subject: Winner of the Shop Oakland Contest
From: Councilmember Quan
Recommendation: A Presentation by Councilmember Quan announcing the Winner of the Shop Oakland Contest

Attachments:

[04-0118.pdf](#)

As a Ceremonial Item

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

A Continued Public Hearing and Resolution on the Appeal of Planning Commission Approval of a Twenty Seven Unit Residential Project at 4690 Tompkins Avenue. THIS ITEM WAS CONTINUED FROM THE NOVEMBER 18, 2003 PUBLIC HEARING; on the March 16, 2004 City Council Agenda

Attachments:

[04-0113.pdf](#)

As a Public Hearing

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

1) An Ordinance rescinding Ordinance 12220 C.M.S. and Authorizing the Negotiation and Execution of a Disposition and Development Agreement with Alvarado Construction Company to provide for the Sale and Development of three City-Owned Properties at 1430 8th Street, 816 Center Street, and 1728 14th Street with Market-Rate Housing; 2) An Ordinance authorizing the Sale of Two Lots on Dover Street at 57th Street to the Rotary Club of Oakland for Development with Affordable Housing by the Peralta Community College District; 3) A Redevelopment Agency Resolution authorizing the Sale of the Duplex at 1072 55th Street to an Owner Occupant; on the March 23, 2004 Community and Economic Development Committee

Attachments:

[04-0119.pdf](#)

Scheduled to the *Community & Economic Development Committee

Subject: Coliseum Transit Hub Streetscape Project

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate six hundred thousand dollars (\$600,000) from the Alameda-Contra Costa Transit Agency (AC Transit) and enter into an agreement with AC Transit for planning, designing, engineering, procurement, construction and contract administration for the Coliseum Transit Hub Streetscape Project (San Leandro Street from 66th Avenue to 73rd Avenue)(PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments:

[04-0120.pdf](#)

[Item 6 2-24-04.pdf](#)

Scheduled to the *Public Works Committee

Subject: Public Employees Retirement System Service Credit

From: Finance and Management Agency

Recommendation: Adopt a Resolution authorizing pre-tax payroll deduction for service credit purchase from California Public Employees' Retirement System (CalPERS) - Employer Pickup Resolution Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14)

Attachments:

[04-0115.pdf](#)

[Item 3 2-24-04.pdf](#)

Scheduled to the *Finance & Management Committee

An Ordinance amending the Salary Schedule of Ordinance No. 12187 C.M.S. (the Salary Ordinance) to increase the salaries of Unrepresented Employee job classifications in Units UK1, U31, Un1 and UR1; on the March 9, 2004 Finance and Management Committee agenda

Attachments:

[04-0116.pdf](#)

Scheduled to the *Finance & Management Committee

A Resolution declaring the official intent of the City of Oakland regarding certain Capital Expenditures for the City of Oakland's sewer system to be reimbursed from the proceeds of a tax-empt obligation; on the March 23, 2004 Finance and Management Committee

Attachments:

[04-0121.pdf](#)

Scheduled to the *Finance & Management Committee

Subject: Cash Management Report
From: Finance and Management Agency
Recommendation: Receive an Informational Cash Management Report for the quarter ended December 2003

Attachments:

[04-0122.pdf](#)

Scheduled to the *Finance & Management Committee

A Resolution recommending to the Civil Service Board that the classification of Citizen's Police Review Board Executive Director to be exempted from the operation of Civil Service; on the March 9, 2004 Finance and Management Committee

Attachments:

[04-0123.pdf](#)

Scheduled to the *Finance & Management Committee

An Ordinance amending the Salary Schedule of Ordinance No. 12187 C.M.S. to add the classifications of Construction and Maintenance Mechanic, PPT, Head Start Facilities Coordinator, Hearing Officer, Hearing Officer, PPT, Maintenance Mechanic, PPT, Senior Hearing Officer, Senior Hearing Officer, PPT and Web Specialist, and to amend the classifications of Police Identification section Supervisor, Fire Communications, Dispatcher, Senior, Fire Communications Supervisor, Electrical Engineer II and Electrical Engineer III; on the March 9, 2004 Finance and Management Committee

Attachments:

[04-0124.pdf](#)

Scheduled to the *Finance & Management Committee

ADDITIONAL SCHEDULING REQUESTS SUBMITTED AT THE MEETING:

Subject: School Closures
From: Councilmembers Nadel, Quan, and Brunner
Recommendation: Adopt a Resolution regarding the 2004 closure of Oakland Public Schools

Attachments:

[Item 4 2-24-04.pdf](#)

Scheduled to the *Life Enrichment Committee

Subject: Maya Brown - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing and directing the City Attorney to compromise and settle the case of Maya Brown v. City of Oakland, et. al., Alameda County Superior Court case number 2001-036085, our file number 21536, in the amount of \$10,000. This case involves a claim of false arrest, assault and battery. (Oakland Police Department -Alleged Civil Rights Violation)

Attachments:

[10.3CC.pdf](#)

As a Consent Item

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

THE CITY CLERK ADVISED THAT THERE WERE NO REVISIONS TO THE AGENDAS FOR THE COUNCIL COMMITTEE MEETINGS OF FEBRUARY 10, 2004

5

A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of February 17, 2004

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

- Sanjiv Handa

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

MOVE THE FOLLOWING ITEMS FROM THE CONSENT CALENDAR TO THE NON-CONSENT PORTION OF THE AGENDA:

10.3CC

Subject: Deborah Edgerly as City Manager
From: Office of the Mayor
Recommendation: Consider a Motion to confirm the appointment of Deborah Edgerly as City Manager and official swearing-in by the City Clerk

Attachments:

[15.pdf](#)

Councilmember Wan made a motion, seconded by Vice Mayor Chang to move Item 10.3CC to the Non-Consent portion of the agenda and the motion passed by Ayes: Chang, Reid, Wan -3; Noes: De La Fuente -1

10.4CC

Subject: Pamela S. Sher - Oakland Museum Board
From: Office of the Mayor
Recommendation: Adopt a Resolution confirming Pamela S. Sher as a trustee of the Oakland Museum of California Foundation Board

Attachments:

[25.pdf](#)

10.8CC

Subject: Vehicular Food Program - Public Hearing
From: Community and Economic Development Agency
Recommendation: Approve Final Passage (Second Reading) of an Ordinance establishing a permanent vehicular food vending program to be located within the manufacturing and commercial corridors on Fruitvale Avenue and High Street between I-880 to the South and Foothill Boulevard to the North, Foothill Boulevard between 19th Avenue to the West and MacArthur to the East, International Boulevard between First Avenue to the West and 105th Avenue to the East, San Leandro Street between Fruitvale Avenue to the West and 98th Avenue to the East, East 12th Street between 4th Avenue to the West and 23rd Avenue to the East, 14th Avenue between East 11th Street to the South and East 19th Avenue to the North;

Attachments:

[14.3 2-3-04.pdf](#),

[17.pdf](#),

[8.pdf](#)

2) Approve the Final Passage (Second Reading) of an Ordinance amending the Master Fee Schedule (Ordinance Number 9336 C.M.S. as Amended) to amend the Vehicular Food Vending Fee; and

Attachments:

[14.3 2-3-04.pdf](#),

[17.pdf](#),

[8.pdf](#)

3) Approve the Final Passage (Second Reading) of an Ordinance amending the Oakland Planning Code to reference a permanent Vehicular Food Vending Program

Attachments:

[14.3 2-3-04.pdf](#),

[17.pdf](#),

[8.pdf](#)

10.9CC

Subject: Pushcart Food Vending Program
From: Community and Economic Development Agency
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance establishing a permanent Pushcart Food Vending Program to be located within the manufacturing and commercial corridors on Fruitvale Avenue and High Street between I-880 to the South and Foothill Boulevard to the North, Foothill Boulevard between 19th Avenue to the West and MacArthur to the East, International Boulevard between First Avenue to the West and 105th Avenue to the East, San Leandro Street between Fruitvale Avenue to the West and 98th Avenue to the East, East 12th Street between 4th Avenue to the West and 23rd Avenue to the East, 14th Avenue between East 11th Street to the South and East 19th Avenue to the North; and

Attachments:

[15 2-3-04.pdf](#),

[18.pdf](#),

[Item 9.pdf](#)

2) Approve the Final Passage (Second Reading) of an Ordinance amending the Master Fee Schedule (Ordinance Number 9336 C.M.S. as Amended) to amend a Pushcart Food Vending Fee

Attachments:

[15 2-3-04.pdf](#),

[18.pdf](#),

[Item 9.pdf](#)

10.10
CC

Subject: Medical Cannabis Distribution and Permitting
From: City Council Legislative Analyst
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Section 8.46.030 of the Oakland Municipal Code entitled Medical Cannabis Distribution Program to provide that the City Manager may designate no more than one (1) entity as a medical cannabis provider association (TITLE CHANGE);

Attachments: [16 2-3-04.pdf](#),
[16 SUPP 2-3-04.pdf](#),
[20.pdf](#)

2) Approve the Final Passage (Second Reading) of an Ordinance amending Title 5 of the Oakland Municipal Code entitled Business Licenses and Regulations to add Chapter 5.80 pertaining to Medical Cannabis Dispensary Permitting and amending the Master Fee Schedule (Ordinance 9336, as amended) to establish regulatory fees (TITLE CHANGE)

Attachments: [16 2-3-04.pdf](#),
[16 SUPP 2-3-04.pdf](#),
[20.pdf](#)

10.11
CC

Subject: Wildcat Canyon Ranch - Boarding Fees
From: Office of Parks and Recreation
Recommendation: Approve the Final Passage (Second Reading) of an Ordinance amending Ordinance Number 9336 C.M.S.(Master Fee Schedule) as amended, to increase the horse boarding fees collected at the City of Oakland stables

Attachments: [03-0219-2.pdf](#),
[21.pdf](#),
[22 SUPP 2-3-04.pdf](#),
[Item 4 1-27-04.pdf](#)

ADD THE FOLLOWING ITEMS TO THE NON-CONSENT PORTION OF THE AGENDA:

Subject: Nuisance Enforcement Schedule Fees
From: Office of the City Manager
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending Ordinance Number 12443 C.M.S. (Master Fee Schedule), as amended, to establish fees assessed by the Office of the City Manager, Nuisance Enforcement Unit, and the Office of the City Attorney for Public Nuisance and Nuisance Eviction cases

Attachments: [19.2.pdf](#)

Subject: Nuisance Enforcement Unit - Alternative "A"
From: Office of the City Manager
Recommendation: Adopt a Resolution appropriating \$300,000 for the Nuisance Enforcement Unit in the Office of the City Manager, including additional City Attorney services to support nuisance enforcement

Attachments: [19.3.pdf](#)

Subject: Nuisance Enforcement Unit - Alternative "B"
From: Office of the City Attorney
Recommendation: Adopt a Resolution appropriating \$358,000 for the Nuisance Enforcement Unit in the Office of the City Manager, including additional City Attorney services to support nuisance enforcement

Attachments: [04-0125.pdf](#),
[19-4.pdf](#),
[19.4](#)

Subject: Medical Cannabis Distribution and Permitting
From: City Council Legislative Analyst
Recommendation: Approve the Introduction (First Reading) of an Ordinance amending the Master Fee Schedule to add a \$400.00 application fee related to Chapter 5.80 of the Oakland Municipal Code entitled Medical Cannabis Dispensary Permits

Attachments: [20.1.pdf](#)

Subject: Andrew Radlow - Citizen's Police Review Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Andrew Radlow as a member of the Citizen's Police Review Board
Attachments:
[26.pdf](#)

Subject: Barbara Montgomery - Citizen's Police Review Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Barbara Montgomery as a member of the Citizen's Police Review Board
Attachments:
[27.pdf](#)

Subject: Corey Dishmon - Citizen's Police Review Board
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Corey Dishmon as a member of the Citizen's Police Review Board
Attachments:
[28.pdf](#)

Subject: Michael T. Liener - Cultural Affairs Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Michael T. Liener as a member of the Cultural Affairs Commission
Attachments:
[29.pdf](#)

Subject: Devin Satterfield - Cultural Affairs Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Devin Satterfield as a member of the Cultural Affairs Commission
Attachments:
[30.pdf](#)

Subject: Suki O'Kane - Cultural Affairs Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Suki O'Kane as a member of the Cultural Affairs Commission
Attachments:
[31.pdf](#)

DELETE THE FOLLOWING ITEMS:

10.5CC
Subject: Andrew R. Weiner - Public Ethics Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution appointing Andrew R. Weiner as a member of the Public Ethics Commission

10.6CC
Subject: Jon Sylvester - Public Ethics Commission
From: Office of the Mayor
Recommendation: Adopt a Resolution reappointing Jon Sylvester as a member of the Public Ethics Commission

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 11:25 a.m.

Americans With Disabilities Act

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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.