

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, December 4, 2003

The Oakland City Council Rules and Legislation Committee convened at 10:59 a.m, with Councilmember Reid presiding as Chairperson.

Roll Call / Call to Order

Excused: Chair De La Fuente

Present: Member Chang, Member Reid and Member Wan

COMMITTEE MEMBERSHIP:

1 Closed Session

The Committee approved the request that the December 16, 2003, Closed Session be noticed as a Special Closed Session with a change in start time beginning at 3:00 p.m.

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

Excused; Chair De La Fuente
1 -

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

2 Approval of the Draft Minutes from the Committee meeting of November 20, 2003

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

Excused; Chair De La Fuente
1 -

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

3 Determination of Schedule of Outstanding Committee Items

There were no changes made to the Schedule of Outstanding Committee Items.

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

- Sanjiv Handa

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

Chair De La Fuente
Excused;
1 -

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

4 Scheduling of Agenda Items

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

- 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:

Chair De La Fuente
Excused;
1 -

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

4.1 Subject: Oakland Youth Orchestra
From: Councilmember Chang
Recommendation: Adopt a Resolution honoring the Oakland Youth Orchestra on its 40th Anniversary
Attachments: [0358.pdf](#),
[Item 8.3.pdf](#)
This item has been scheduled directly to City Council as a ceremonial item.
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

4.2 A request from the December 2, 2003 City Council meeting for a report and recommendation regarding the Boards and Commissions appointment process relative to appointee qualifications and criteria; for scheduling as soon as possible
This item will be placed on the Determination of Schedule of Outstanding Committee Items pending a specific date.
Scheduled to the *Rules & Legislation Committee

4.3 Subject: Plywood and Lumber Sales
From: Councilmember Nadel
Recommendation: Adopt a Resolution recognizing Plywood and Lumber Sales for their commitment to the principles of the "Triple Bottom Line"
Attachments: [0360.pdf](#),
[Item 8.4.pdf](#)
This item has been scheduled directly to City Council as a ceremonial item.
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

4.4 Subject: McClymonds Parent Academy
From: Councilmember Nadel
Recommendation: Adopt a Resolution recognizing the 7th St. McClymonds Leadership and Engagement Initiative Parent Academy in the City of Oakland
Attachments: [0361.pdf](#),
[Item 8.5.pdf](#)
This item has been scheduled directly to City Council as a ceremonial item.
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

4.5 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](#)
This item will be placed on the Determination of Schedule of Outstanding Committee Items pending a specific date.
Scheduled to the *Rules & Legislation Committee

4.6

A request from Councilmember Reid to withdraw a Resolution authorizing the City of Oakland to apply for, accept and appropriate up to \$552,000.00 in Fiscal Year 2003-2004 Measure B Bicycle and Pedestrian Discretionary Funds for (1) update of the Oakland Bicycle Master Plan, including associated environmental documentation; and (2) construction of the Eastlake Streetscape Project Pedestrian Elements from 8th to 10th Avenue, from the December 9, 2003 Public Safety Committee agenda and reschedule directly to the December 16, 2003 City Council agenda

Attachments: [03-0217.pdf](#),
[10.29CC.pdf 12-16-03](#),
[Item 4 12-9-03.pdf](#),
[Resched 0217.pdf](#)

The request was withdrawn to remove this item from the December 9, 2003 Public Safety Committee agenda and will remain on the agenda for discussion.

No Action Taken

4.7

Subject: Public Art Annual Plan
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution adopting the Public Art Annual Plan for Calendar Year 2004; on the January 13, 2004 Life Enrichment Committee agenda

Attachments: [0363.pdf](#)

Scheduled to the *Life Enrichment Committee

4.8

Subject: Ernest Jolly, Rick Moss, and Cherie Newell - Cultural Affairs Commission's Public Art Advisory Committee
From: Cultural Arts and Marketing Department
Recommendation: Adopt a Resolution approving the appointment of Ernest Jolly, Rick Moss, and Cherie Newell as members to the Cultural Affairs Commission's Public Art Advisory Committee; on the January 13, 2004 Life Enrichment Committee agenda

Attachments: [0364.pdf](#)

Scheduled to the *Life Enrichment Committee

4.9

Subject: Parental Stress Service
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the City Manager on behalf of the City of Oakland to execute a one-year Professional Service Contract with Parental Stress Service, in an amount not to exceed \$51,000; and authorize the City Manager to execute a one-year extension of the contract in an additional amount not to exceed \$51,000; on the January 13, 2004 Life Enrichment Committee agenda

Attachments: [0365.pdf](#)

Scheduled to the *Life Enrichment Committee

4.10

Subject: Planning Commission Appeal - 1144 12th Street
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution denying, in part, the appeal and affirming, in part, the Planning Commission approval of a Major Conditional Use Permit and a Minor Variance (CMV03-207) for a clean and sober facility at 1144 12th Street, Oakland, such that there is a maximum of six (6) residents

Attachments: [0267.pdf](#),
[Item 10.11 CC.pdf](#),
[Item 14.3 11-18-03.pdf](#)

This item has been scheduled on the Consent Calendar portion of the agenda since this is a follow-up report to a previous discussion at Council.

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

4.11

Subject: Removal / Installation of Parking Meters
From: Public Works Agency
Recommendation: Approve the Introduction (First Reading) of an Ordinance approving the removal and installation of parking meters in the Jack London District on portions of: Clay Street, Webster Street, Washington Street, Martin Luther King, Jr. Way, Third Street, and Fourth Street

Attachments: [0362.pdf](#),
[Item 20 12-16-03.pdf](#)

This item was scheduled directly to City Council Non Consent portion of the agenda due to its time-sensitive nature and the Final Passage (Second Reading) has been scheduled for January 6, 2004.

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

Subject: BRASS Budgeting Software
From: Office of the City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend, extend, and execute a contract with American Management Systems, Inc. for the 2004 calendar year for an amount not to exceed \$50,000 to perform maintenance services and consultation related to the City's BRASS Budgeting Software; on the January 13, 2004 Finance and Management Committee agenda

Attachments: [0366.pdf](#)

Scheduled to the *Finance & Management Committee

ADDITIONAL SCHEDULING REQUEST ADDRESSED DURING COMMITTEE:

Subject: Oakland School for Arts
From: Financial Services Agency
Recommendation: Adopt a Resolution approving the issuance and sale of Certificates of Participation to finance a qualified Zone Academy Program and approving related documents and actions for the Oakland School of the Arts.

Attachments: [Item 21 12-16-03.pdf](#)

This item was scheduled directly to City Council Non Consent portion of the agenda due to its time-sensitive nature.

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

Attachments: [Item 4.pdf](#)

5 A review of the Council Committees' actions and determination of scheduling to the ORA / City Council meeting

The City Clerk advised the Committee that no action was required on this item since no Committee meetings were held.

No Action Taken

6 A review of the Supplemental Agendas for the Council Committee meetings of December 9, 2003 and December 11, 2003

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

- 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:

Chair De La Fuente
Excused; 1 -

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

MODIFICATIONS TO THE SUPPLEMENTAL COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA:

4. Subject: Oakland Private Industry Council
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution amending Resolution Number 77297 C.M.S. to authorize the deferral for one year of a competitive bidding process for the Oakland Workforce Investment Board's One Stop Systems Administrator and One Stop Career Center Operator, and authorize the City Manager to renegotiate and extend the contract with the Oakland Private Industry Council through Fiscal Year 2004-2005
Attachments: [Item 4 12-9-03.pdf](#),
[Sched 0178.pdf](#)

7

A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of December 16, 2003

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

- 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:

Excused; Chair De La Fuente
1 -

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

MODIFICATIONS TO THE DRAFT CITY COUNCIL AGENDA:

10.10
CC

Subject: Craig Castellanet - Housing, Residential Rent and Relocation Board

From: Mayor Brown

Recommendation: Adopt a Resolution appointing Craig Castellanet as Tenant Representative, as a member of the Housing, Residential Rent and Relocation Board

Subsequent to the Rules and Legislation Committee meeting, and in accordance with the City Council Rules and Procedures, Rule 28, this item was withdrawn and rescheduled to a later date.

***Withdrawn with No New Date**

18.

Subject: Safety Element of the General Plan

From: Community and Economic Development Agency

Recommendation: A Continued Discussion to Receive an Informational Report regarding the update to the Safety Element of the City of Oakland's General Plan

Attachments:

[14.2.pdf](#)

[16 9-30-03.pdf](#)

[19.pdf](#)

Staff advised the Committee that a they will prepare a Rules Scheduling Request to schedule this item for discussion at a later date.

***Withdrawn with No New Date**

19.

Subject: Low Law Enforcement Policy towards Medical Cannabis

From: Office of the City Manager

Recommendation: Approve Recommendations regarding conditions to fall under the City's Low Law Enforcement Policy towards Medical Cannabis and to select one medical cannabis provider association to administer the City's Medical Cannabis Distribution Program

Attachments:

[26 11-4-03.pdf](#)

[Item 6 10-28-03.pdf](#)

Staff requested that this item be withdrawn and rescheduled to a City Council meeting in January, 2004.

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

20.

Subject: Medical Cannabis Dispensary District Combining Zone

From: Community and Economic Development Agency

Recommendation: Receive an Informational Report regarding a proposed Ordinance amending the Oakland Planning Code to add a new use classification for medical cannabis dispensaries and to add a new Chapter 17.101E, S-21 Medical Cannabis Dispensary District Combining Zone

Staff requested that this item be withdrawn and rescheduled to a City Council meeting in January, 2004.

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

21.

Subject: Cannabis Dispensary-Oakland Municipal Code
From: Office of the City Manager
Recommendation: Approve the Introduction (First Reading) of an Ordinance adding Chapter 5.80 (Cannabis Dispensary) to the Oakland Municipal Code, limiting the number of cannabis dispensaries, requiring a Cannabis Dispensary Permit, setting operating hours and performance standards, and an annual license tax
Staff requested that this item be withdrawn and rescheduled to a City Council meeting in January, 2004.
***Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council**

ADD

Subject: Community Development Block Grant Programs - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion adopt a Resolution allocating an estimated award of \$10,106,000 of Community Development Block Grant Funds for Fiscal Year 2004-2005 between the categories of Housing, Economic Development, Neighborhood Programs and Administration; allocating an estimated \$1,800,000 in program income to Housing and Economic Development Activities (TITLE CHANGE)
Attachments: [14.5 suppl.pdf](#),
[Item 14.5 12-16-03.pdf](#),
[Item 7 12-9-03.pdf](#),
[Scheduling.pdf](#)
Staff requested that this item be scheduled to the City Council as a Public Hearing, and advised the Rules and Legislation Committee that this item has also been scheduled to the December 9, 2003 Community and Economic Development Committee for discussion.
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

8

Subject: City Council's Legislative Analyst Activities
From: City Council Legislative Analyst Office
Recommendation: Receive an Informational Status Report on the Activities of the City Council's Legislative Analyst Office
Attachments: [Item 8 12-4-03.pdf](#)
The Committee received and filed the informational report.
***Received and Filed**

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individuals spoke during 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 11:53 a.m.

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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.

NOTE:

Americans With Disabilities Act
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