

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, November 20, 2003

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

COMMITTEE MEMBERSHIP:

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 November 13, 2003

**A motion was made by Member Reid, seconded by Member Chang, 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 December 4, 2003:

Subject: Boards and Commissions Procedures
From: City Council Office
Recommendation: Receive a Report discussing a process for Boards and
Commissions nominations to be forwarded to a respective Council Committee
prior to consideration by the full Council
To the pending list under Pending / No Specific Date.
***Rescheduled to the *Rules & Legislation Committee**

From Pending / No Specific Date:

A Report and Recommendation From The Public Ethics Commission Relating To Adjustment Of City Council Salaries
A Report and Recommendation From The Public Ethics Commission Relating To Adjustment Of City Council Salaries
This item was removed from the pending list.

***Withdrawn with No New Date**

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 Reid, 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

1. Subject: CORE Program Funding
From: Oakland Fire Department
Recommendation: Adopt a Resolution to accept and appropriate seven thousand five hundred ten dollars and nine cents (\$7,510.09) for the period December 4, 2002 to December 5, 2003 from the Federal Emergency Management Agency (FEMA) and the State of California Go SERV Grant for Community Emergency Response Team (CERT) Enhancement, awarded and administered by Alameda County Sheriffs Department Operational Area to the Oakland Fire Department Office of Emergency Services (OES) for the City of Oakland's Citizens of Oakland Respond to Emergencies (CORE) Program

Attachments: [03-0336.pdf](#),
 [Item 16 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

2. Subject: Bricker-Mincolla Uniforms
From: Oakland Fire Department
Recommendation: Adopt a Resolution authorizing the City Manager to waive formal advertising and competitive bidding and enter into a contract with Bricker-Mincolla Uniforms for provision of firefighter trousers and coats in an amount not to exceed one hundred and thirty thousand dollars (\$130,000) for the period March 1, 2004 through March 1, 2007 and authorizing the City Manager to extend said contract for two additional years, one year at a time, until March 1, 2009, for an additional annual expenditure not to exceed forty three thousand three hundred thirty three dollars (\$43,333)

Attachments: [03-0335.pdf](#),
 [Item 18 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

3. Subject: Paul Coverdell Forensic Science Program
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Manager on behalf of the City of Oakland to accept and appropriate a grant in the amount of two hundred thirty-nine thousand three hundred and fifty-four dollars (\$239,354) from the U.S. Department of Justice, National Institute of Justice, for the Paul Coverdell National Forensic Science Improvement Act Program to be conducted by the Police Department

Attachments: [03-0337.pdf](#),
 [Item 9 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

4. Subject: After-Hour and Emergency Veterinary Medical Services
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and VCA Bay Area Animal Hospital in an amount not to exceed sixty-one thousand six hundred forty dollars (\$61,640) for the period of July 1, 2003 through June 30, 2005, to provide after-hour and emergency veterinary medical services

Attachments: [03-0338.pdf](#),
 [Item 12 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

5.

Subject: Oakland Area Violent Drug Task Force
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the acceptance and appropriation of Federal Funds from the United States Department of Justice, Drug Enforcement Administration (DEA), in an amount not to exceed seventy thousand five hundred seventy-eight dollars and seventy-five cents (\$70,578.75), for the overtime reimbursement costs of police personnel assigned to the Oakland Area Violent Drug Task Force, for the Period of April 1, 2003 through September 30, 2004, to the Oakland Police Department

Attachments: [03-0317.pdf](#)
[Item 10 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

6.

Subject: National Medical Services
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing a professional services agreement between the City of Oakland and National Medical Services, in an amount not to exceed one hundred fifty-four thousand seven hundred dollars (\$154,700), for Blood and Urine Testing for the Period of July 1, 2003 through June 30, 2005

Attachments: [03-0318.pdf](#)
[Item 14 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

7.

Subject: Sobriety Checkpoint Program
From: Oakland Police Department
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland to accept and appropriate a grant in the amount of one hundred seven thousand, five hundred and twenty-five dollars (\$107,525) from the State of California, Office of Traffic Safety, for a Sobriety Checkpoint Program to be Conducted by the Police Department

Attachments: [03-0320.pdf](#)
[Item 7 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

8.

Subject: Interim Controls for Signs
From: Office of the City Attorney
Recommendation: Adopt an Emergency Ordinance, pursuant to Charter Section 213, establishing interim controls for conditional use permits and variance and related findings for signs and suspending conflicting provisions, to take effect immediately upon Introduction and Adoption

Attachments: [03-0316.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item due to its time sensitive nature.

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

9.

Subject: Survey of Towing Contracts in Selected Bay Area Cities
From: City Auditor's Office
Recommendation: Receive an Informational Report on Survey of Towing Contracts in Selected Bay Area Cities; on the December 9, 2003 Finance and Management Committee agenda

Attachments: [03-0322.pdf](#)

Scheduled to the *Finance & Management Committee

10.

A request for confirmation of the 2004 calendar year legislative meeting schedule for City Council and Council Committees (see attached)

Attachments: [03-0186.pdf](#)

The Committee requested that this item be postponed and reconsidered at the December 11, 2003, Rules and Legislation Committee.

Scheduled to the *Rules & Legislation Committee

Subject: City Council Rules and Procedures
From: Office of the City Manager
Recommendation: A discussion regarding the Resolution Number 77709 C.M.S., City Council Rules of Procedures that became effective May 1, 2003

Attachments:

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

Scheduled to the *Rules & Legislation Committee

11.

A request for review of the draft agendas for Council Committee meetings for December 9, and December 11, 2003 (see attached)

Attachments:

[03-0314.pdf](#)

Accepted

Changes to the December 9, 2003, Finance and Management agenda:

Subject: Oakland Municipal Code Chapter 2.04
From: Finance and Management Agency
Recommendation: Adopt an Ordinance amending Ordinance No. 7937 C.M.S., adopted February 6, 1969, and amendments thereto, codified as Oakland Municipal Code Chapter 2.04, increasing City Manager approval limits, establishing new contracting procedures and establishing new City Council approval procedures

Attachments:

[0289.pdf](#)

The Committee requested that this item be scheduled to a Committee meeting in January, 2004.

***Rescheduled to the *Finance & Management Committee**

Changes to the December 9, 2003, Community and Economic Development Committee agenda:

Subject: Ergonomic Workstations For Local Garment Factories
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution regarding Agency financial assistance to Asian Immigrant Women Advocates in an amount not to exceed \$25,000 for the purchase of ergonomic workstations for local garment factories

Attachments:

[03-0216.pdf](#)

***Rescheduled to the *Community & Economic Development Committee**

12.

Subject: Discrimination Based on Sexual Orientation
From: Vice Mayor Nadel; Councilmembers Wan and Quan
Recommendation: Adopt an Ordinance updating language in the City Of Oakland's Municipal Code Chapter 9.44 discrimination based on sexual orientation and amending Section 9.44.010 definitions to include discrimination based on gender identity or expression and Section 9.44.020 unlawful practices to allow the use of restroom facilities consistent with a person's gender identity

Attachments:

[03-0045.pdf resched.](#)

[19 11-4-03.pdf.](#)

[Item 7 10-14-03.pdf](#)

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

13.

Subject: Temporary Youth Homeless Shelter - 925 Brockhurst St.
From: Vice Mayor Nadel
Recommendation: Adopt an Emergency Ordinance pursuant to Charter Section 213, declaring a shelter crisis and suspending planning, zoning and other permit requirements for the temporary establishment of a youth shelter for the homeless at 925 Brockhurst Street to take effect immediately upon introduction and adoption

Attachments:

[03-0324.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item due to its time sensitive nature.

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

14.

Subject: Robert Thombs - Jack London Aquatic Center
From: President De La Fuente
Recommendation: Adopt a Resolution appointing Robert Thombs to the Board of Directors of the Jack London Aquatic Center

Attachments:

[03-0325.pdf](#)

This item has been scheduled directly to City Council as a routine appointment on the Consent Calendar.

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

15.

Subject: Margaret Dixon
From: Councilmember Reid
Recommendation: Presentation of a Proclamation honoring Officer Margaret Dixon for her years of service in dedication to Oakland's Youth

Attachments:
[03-0327.pdf](#)

This item has been scheduled directly to City Council as a ceremonial presentation.

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

16.

Subject: Ronald H. Cowan Parkway and Oakland Foreign Trade Zone
From: Councilmember Reid
Recommendation: Adopt a Resolution authorizing the City of Oakland to obtain signs for Ronald H. Cowan Parkway and Oakland Foreign Trade Zone, to be installed along the Interstate 880 freeway

Attachments:
[03-0328.pdf](#)
[Item 4 12-9-03.pdf](#)

Scheduled to the *Public Works Committee

17.

Subject: Illegal Activities Evictions
From: Councilmember Reid
Recommendation: Adopt an Ordinance requiring rental property owners to evict tenants engaged in certain illegal activities on the premises and including off-premises drug related activities that use the premises to further the off-premises illegal drug activity and authorizing the City Attorney to accept assignment of eviction causes of action from rental property owners for evictions involving certain illegal activities by establishing Section 8.23.100 of the Oakland Municipal Code, "Nuisance Eviction Ordinance"

Attachments:
[03-0329.pdf](#)
[Item 3 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

18.

Subject: "BEAT HEALTH DAY"
From: Councilmember Reid
Recommendation: Adopt a Resolution recognizing the Oakland Police Department Beat Health Unit and declaring December 17, 2003 as "BEAT HEALTH DAY" in the City of Oakland

Attachments:
[03-0334.pdf](#)

This item has been scheduled directly to City Council as a ceremonial presentation.

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

19.

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](#)

The Committee directed staff to postpone the scheduling of this item until the next Rules and Legislation Committee meeting.

***Rescheduled to the *Rules & Legislation Committee**

20.

Subject: Wireless Telephonic Service Providers
From: Finance and Management Agency
Recommendation: Adopt a Resolution submitting, on the Council's own motion, to electors at the March 2, 2004 election, a proposed Ordinance amending Section 4.28.030 of the Oakland Municipal Code so that wireless telephonic service providers will be required to apply the City of Oakland's Utility User's Tax ("UUT") in accordance with the Sourcing Rules of Section 117 of the Federal Mobile Telecommunications Sourcing Act of 2000, and directing the City Clerk to fix the date for submission of arguments and to provide for notice and publication in accordance with the March 2, 2004 election

Attachments:
[Item 21 12-2-03](#)
[Item 6 10-28-03.pdf](#)

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

Enactment No: 78222

21.

Subject: Police In-Car Video Systems

From: Oakland Police Department

Recommendation: Approve Recommendation regarding the feasibility of installing in-car video and or sound systems as a solution for reducing police misconduct claims

Attachments:

[03-0313.pdf](#)

as a scheduling request for a future meeting date in January.

Scheduled to the *Public Safety Committee

22.

Subject: Continuum of Care Council Consultation - Kathie Barkow

From: Department of Human Services

Recommendation: A request to withdraw with no new date a Resolution authorizing an amendment to an existing professional services contract with Kathie Barkow in the amount of \$14,999 and authorizing an increase in that contract amount by \$34,459 for a total contract amount of \$49,458 for a period ending no later than June 30, 2004 for consultation to the County-wide Continuum of Care Council; from the December 9, 2003 Life Enrichment Committee agenda to the Life Enrichment Pending List

Attachments:

[03-0303.pdf](#)

[03-0303.pdf resched](#)

***Withdrawn with No New Date**

23.

Subject: Summary Vacation of Sanitary Sewer Easement on Walker Avenue

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance summarily vacating a five-foot wide sewer easement located on 711 Walker Avenue (APN 011-0836-018-00) and 717 Walker Avenue (APN 011-0836-017-00)

Attachments:

[03-0339.pdf](#)

[Item 6 12-9-03.pdf](#)

Scheduled to the *Community & Economic Development Committee

24.

Subject: City Center T-10 Residential Project

From: Community and Economic Development Agency

Recommendation: A continued discussion regarding legislation regarding the sale of real property for the City Center T-10 Residential Project:

1) Adopt a Resolution approving the sale of real property located at 14th Street, 13th Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way to Camden USA, Inc., for the City Center T-10 Residential Project, and

Attachments:

[Item 8 10-28-03.pdf](#)

The public hearing scheduled for the December 16, 2003 City Council has also been withdrawn with no new date.

***Withdrawn with No New Date**

2) Adopt an Agency Resolution authorizing the sale of real property located at 14th Street, 13th Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way to Camden USA, Inc., for the City Center T-10 Residential Project, and authorizing a Disposition and Development Agreement for the project

Attachments:

[Item 8 10-28-03.pdf](#)

The public hearing scheduled for the December 16, 2003 City Council has also been withdrawn with no new date.

***Withdrawn with No New Date**

25.

Subject: Installation of Signs and Creation of a "No Parking/Tow Away Zone

From: Public Works Agency

Recommendation: Adopt a Resolution approving the Installation of Signs and the creation of a "No Parking/Tow Away - Commercial Vehicles over 10,000 pounds or Unattached Trailers" Zone on 81st Avenue between Plymouth Avenue and Bancroft Avenue

Attachments: [03-0332.pdf](#)
 [Item 8 12-9-03.pdf](#)

Scheduled to the *Public Works Committee

26.

Subject: Radar Speed Trailers and Public Safety Brochures
From: Public Works Agency
Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate \$81,500 in Fiscal Year 2004-2005 funding from the Office of Traffic Safety (OTS) for six Radar Speed Trailers and Public Safety Brochures and to negotiate and execute a purchase agreement with Ver-Mac, Inc. not to exceed \$66,000 for the radar speed trailers

Attachments: [03-0333.pdf](#)
 [Item 5 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

27.

Subject: Deborah Edgerly as Interim City Manager
From: Mayor Jerry Brown
Recommendation: Consider a Motion to confirm the appointment of Deborah Edgerly as Interim City Manager

Attachments: [03-0330.pdf](#)
 [10.3CC 12-2-03](#)

This item has been scheduled directly to City Council as a routine appointment on the Consent Calendar.

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

28.

Subject: California Library Literacy and English Acquisition Services Program
From: Oakland Public Library
Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and appropriate a grant in the amount of \$90,201 from the California Library Literacy and English Acquisition Services Program for Fiscal Year 2003-2004: on the January 13, 2004 Life Enrichment Committee agenda

Attachments: [03-0326.pdf](#)

Scheduled to the *Life Enrichment Committee

29.

Subject: Sequoia Nursery School
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute an agreement with Sequoia Nursery School to operate a cooperative nursery school at Sequoia Lodge for a ten year term ending June 30, 2014

Attachments: [03-0321.pdf](#)

Scheduled to the *Life Enrichment Committee

Subject: Woodminster Amphitheater
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Producers Associates, Inc. to provide musical theater at Woodminster Amphitheater for a 5-year term beginning January 1, 2004 and Ending December 31, 2008

Attachments: [03-0331.pdf](#)
 [Item 6 12-9-03.pdf](#)

Scheduled to the *Life Enrichment Committee

Subject: Service Delivery Districts
From: Office of the City Manager
Recommendations: Approve Recommendations regarding the enhancement of neighborhood service delivery

Scheduled to the *Public Safety Committee

Attachments: [Item 4.pdf](#)

ADDITIONAL SCHEDULING REQUESTS ADDRESSED AT COMMITTEE:

1.

Subject: Emergency Satellite Uplink / Downlink System
From: Cultural Arts & Marketing Department
Recommendation: Adopt a Resolution to authorize the City Manager to appropriate and expend an amount not to exceed \$600,000 toward Capital Improvement Project: Emergency Satellite Uplink / Downlink System
Attachments: [Item 9 12-9-03.pdf](#)

Scheduled to the *Finance & Management Committee

2.

Subject: Alameda County Operational Area Oil Spill Response Plan
From: Oakland Fire Department
Recommendation: Adopt a Resolution to accept and appropriate eighteen thousand five hundred dollars (\$18,500), for Fiscal Year December 4, 2002 to December 5, 2003 Federal Emergency Management Agency (FEMA)
Supplemental Emergency Operations Planning Grant awarded and administered by Alameda County Sheriffs Department, Operational Area to the Oakland Fire Department Office of Emergency Services (OES) for development of a terrorism annex, and review and update of the Alameda County Operational Area Oil Spill Response Plan
Attachments: [Item 17 12-9-03.pdf](#)

Scheduled to the *Public Safety Committee

3.

From: Rehabilitation of Sanitary Sewers - Andes Construction, Inc.
Subject: Public Works Agency
Recommendation: Adopt a Resolution authorizing award of a contract to Andes Construction, Inc. for the rehabilitation of sanitary sewers in the area bounded by Crest, Michigan and 82nd Avenues and MacArthur Boulevard - Subbasin 84-112 (Project No. C158110) for the amount of one million three hundred twenty thousand six hundred thirty dollars (\$1,320,630)
Attachments: [0266.pdf](#)

***Withdrawn with No New Date**

6

A review of the Supplemental Agenda for the Council Committees for the meetings of November 25, 2003 and November 27, 2003. (ALL NOVEMBER 25 and 27, 2003 COMMITTEE MEETINGS CANCELLED DUE TO THANKSGIVING RECESS)

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

The City Clerk advised the Committee that there were no Supplemental agendas to review due to the cancellation of meetings in observation of Thanksgiving Recess.

7

A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of December 2, 2003

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

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](#)

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

Attachments: [Item 7.pdf](#)

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 12:06 p.m.

NOTES

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Americans With Disabilities Act

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Office of the City Clerk

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