

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, November 10, 2005

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 Council President De La Fuente presiding as Chairperson.

COMMITTEE MEMBERSHIP:

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

Fuente

The Roll Call was modified to note Vice Mayor Brunner present at 10:50 a.m.

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:**

Votes:

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

Fuente

The Office of the City Attorney scheduled a Special Closed Session Meeting for

November 15, 2005

2
Approval of the Draft Minutes from the Committee meeting of October 27, 2005

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

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

Votes:

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

Fuente

3
Determination of Schedule of Outstanding Committee Items

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

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

Votes:

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

Fuente

(R&L Item 3 11-10-05)

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4
Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council
meeting of November 15, 2005 (SUPPLEMENTAL)

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

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

following vote:

Votes:

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

Fuente

4-1

Subject: Approval Of The 2006 Meetings Schedule

From: Office of the City Clerk

Recommendation: A Request To Review And Approve 2006 Meetings Schedule

(05-0903)

Accepted

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

- *Sanjiv Handa*

4-2

Subject: Temporary Soil Shoring System

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Granting Prentiss Properties Acquisition

Partners, L.P., A Revocable And Conditional Permit To Allow A Temporary Soil

Shoring For A Building At 2100 Franklin Street To Encroach Under Franklin

Street, 21st Street, And 22nd Street (05-0906)

Scheduled to *Public Works Committee on 12/13/2005

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4-3

Subject: Affordability Agreement With BRIDGE Housing Corporation And

Imani Baptist Church

From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing Release Of The

Affordability Agreement On The Property Located At 10211 Byron Avenue Upon

Repayment By BRIDGE Housing Corporation And Imani Baptist Church Of A

Redevelopment Agency Affordable Housing Site Acquisition Loan In The Amount

Of \$366,954 Plus Accrued Interest; On The January 10, 2006 Community And

Economic Development Committee Agenda (05-0907)

Scheduled to *Community & Economic Development Committee on

1/10/2006

4-4

Subject: Amendment To Resolution 2004-08

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Amending Resolution 2004-08 C.M.S.,

Which Authorized An Affordable Housing Development Loan Of \$3,858,424 To

Affordable Housing Associates, Inc. For A Project At 4856-4868 Calaveras

Avenue, To (1) Raise The Affordability Level And Allow Sales To Households

With Up To 110% Of Area Median Income, And (2) Change The Borrower To

Community Assets, Inc.; On The January 10, 2006 Community And Economic

Development Committee Agenda (05-0908)

Scheduled to *Community & Economic Development Committee on

1/10/2006

4-5

Subject: Site Acquisition Loan - Conversion

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Converting A \$127,327 Site Acquisition

Loan To The Community Development Corporation Of Oakland For The

1574-1590 7th Street Project To An Affordable Homeownership Development

Loan; On The January 10, 2006 Community And Economic Development

Committee Agenda (05-0909)

Scheduled to *Community & Economic Development Committee on

1/10/2006

4-6

Subject: 4700 Lincoln Avenue Parking Garage

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Conditionally Accepting An Offer Of

Dedication Of Public Right-Of-Way For A Relocated Sidewalk At The Entrance

To A New Parking Garage At 4700 Lincoln Avenue (05-0910)

Scheduled to *Public Works Committee on 12/13/2005

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4-7

Subject: Live Oak Pool Deck Replacement Project

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Reject All Bids, To Waive Further Competitive Bidding And To Negotiate And

Award A Construction Contract To Bay Construction Company In An Amount

Not-To-Exceed Three Hundred And Thirty Seven Thousand Dollars (\$337,000.00)

For The Live Oak Pool Deck Replacement Project (Project No. G251110)

(05-0911)

Scheduled to *Public Works Committee on 12/13/2005

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4-8

Subject: Broadway Median Improvements

From: Community And Economic Development Agency

Recommendation: Adopt The Following Pieces of Legislation:

1) An Agency Resolution Allocating \$150,000 From The

Broadway/Macarthur/San Pablo Redevelopment Project To The City Of Oakland

Under The Cooperation Agreement To Fund Improvements To The Broadway

Median From Interstate 580 To College Avenue; And (05-0914)

Scheduled to *Community & Economic Development Committee on

12/13/2005

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

- *Sanjiv Handa*

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2) A Resolution Accepting And Appropriating \$150,000 From The Redevelopment Agency

Under The Cooperation Agreement To Fund Improvements To The Broadway Median From

Interstate 580 To College Avenue, And Authorizing The City Administrator To Award The

Construction Contract For This Project To The Lowest Responsible Bidder Without Returning

To Council (05-0914-1)

Scheduled to *Community & Economic Development Committee on

12/13/2005

[View Report.pdf](#)

4-9

Subject: Mary Helen Joseph - Recognition

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Commending Mary Helen Joseph For 16

Years Of Devoted And Dedicated Service And Congratulating Her On Her

Retirement From The City Of Oakland (05-0915)

Scheduled to Concurrent Meeting of the Oakland Redevelopment

Agency/City Council on 12/6/2005

[View Report.pdf,](#)

[79612 CMS.pdf](#)

4-10

Subject: Ofelia De Guzman - Recognition

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Commending Ofelia De Guzman For 18

Years Of Devoted And Dedicated Service And Congratulating Her On Her

Retirement From The City Of Oakland (05-0916)

Scheduled to Concurrent Meeting of the Oakland Redevelopment

Agency/City Council on 12/6/2005

[View Report.pdf,](#)

[79611 CMS.pdf](#)

4-11

Subject: Amendment To Ordinance 12214

From: Community And Economic Development Agency

Recommendation: Adopt An Ordinance Amending Ordinance 12214 C.M.S.,

Which Authorized The Sale Of Four City-Owned Properties At 9724 And 9745

Thermal Street And 2656 And 2660 98th Ave. To Black Phoenix Development

Group For The Development Of Six Homes Affordable To Moderate-Income

Households, To Authorize The Sale Of The Properties To Toler Heights Estates

LLC, Successor To Black Phoenix, For The Total Fair Market Value Of At Least

\$950,000 For The Development Of Six Units Of Market-Rate Housing; On The

January 10, 2006 Community And Economic Development Committee Agenda

(05-0917)

Scheduled to *Community & Economic Development Committee on

1/10/2006

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

- *Sanjiv Handa*

4-12

Subject: Local Street And Road Rehabilitation

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To

Accept And Appropriate \$1,844,000.00 Of Proposition 42 Funds For Local Street

And Road Rehabilitation In Fiscal Year 2005-2006 (05-0912)

Scheduled to *Public Works Committee on 12/13/2005

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4-13

Subject: Studio One Art Center Rehabilitation Project

From: Public Works Agency

Recommendation: Adopt A Resolution To 1) Authorize The City Administrator To

Award And Execute A Construction Contract With The Lowest Responsive,

Responsible Bidder, BBI Construction For The Construction Of Studio One Art

Center Rehabilitation Project (No. C244710) In An Amount Not-To-Exceed Eight

Million Two Hundred Thousand Dollars (\$8,200,000.00) And Reject All Other

Bids, 2) Re-Program Additional Funding Of Up To Two Million Dollars

(\$2,000,000.00) From Brooklyn Basin And Marine Max Project (No. C242710) To

Studio One Art Center Rehabilitation Project (No. C244710), And 3) Appropriate

Two Million Dollars (\$2,000,000.00) From Measure DD Interest Funds To

Replenish Brooklyn Basin And Marine Max Project (No. C242710) (05-0918)

Scheduled to *Public Works Committee on 12/13/2005

[View Item.pdf](#)

Subject: T.Y. Lin International/Earthtech - Contract

From: Public Works Agency

Recommendation: Adopt A Resolution Authorizing Amendment No. 1 To The

Contract With T.Y. Lin International/Earthtech, Joint Venture (Previously Known

As CCS Planning And Engineering/J. Muller International, Joint Venture) For The

Lake Merritt Channel Bridge Replacement Project (Project No. G121810) To

Extend The Contract And Increase The Scope Of Work The And Contract Amount

By Two Hundred Forty-Five Thousand Dollars (\$245,000.00) For A Total Amount

Not-To-Exceed One Million Three Hundred Forty-Five Thousand Dollars

(\$1,345,000.00), And To Appropriate To The Project An Additional Three

Hundred Four Thousand Dollars (\$304,000.00) In Federal Highway Funds

(05-0919)

Scheduled to *Public Works Committee on 12/13/2005

[View Report.pdf](#)

Subject: Aquatics Masters And Barracuda Aquatics License Agreements

From: Office Of Parks And Recreation

Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Execute A License

Agreement Between The City Of Oakland And The Temescal Aquatics Masters

For Nonexclusive Use Of Temescal Pool, For A Two Year Term With A One Year

Option To Renew; And (05-0920)

Scheduled to *Life Enrichment Committee on 12/13/2005

2) A Resolution Authorizing The City Administrator To Execute A License Agreement

Between The City Of Oakland And The Oakland Barracuda Aquatics For Nonexclusive Use Of

Live Oak Pool, For A Two Year Term With A One Year Option To Renew (05-0920-1)

Scheduled to *Life Enrichment Committee on 12/13/2005

4-16

Subject: Ace Kids Golf Program And Girl Sports Program

From: Office Of Parks And Recreation

Recommendation: Adopt A Resolution Authorizing The City Administrator, On

Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The

Amount Of Eighty Thousand Dollars (\$80,000) From Friends Of Parks And

Recreation For The Office Of Parks And Recreation Ace Kids Golf Program And

Girls Sports Program (05-0921)

Scheduled to *Life Enrichment Committee on 12/13/2005

[View Report.pdf](#)

4-17

Subject: Public Trust Exchange Agreement At Oakland Army Base

From: Oakland Base Reuse Authority

Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Negotiate

And Enter Into A Public Trust Exchange Agreement For Property At The Oakland

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

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

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

***Rescheduled to *Rules & Legislation Committee on 11/17/2005**

For scheduling

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

- *Sanjiv Handa*

2) A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Public

Trust Exchange 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; On The December 13, 2005 Community And Economic Development Committee

Agenda (05-0913-1)

***Rescheduled to *Rules & Legislation Committee on 11/17/2005**

For Scheduling

ADDITIONAL REQUEST SUBMITTED ON THE DIAS

Subject: Hotel Labor Disputes And Issues

From: Council President De La Fuente and Vice Mayor Brunner

Recommendation: Adopt An Ordinance To Require Hotels Located Within The City Of

Oakland To Notify Customers Of The Hotel And Customers Of Any Services Provided On The

Hotel's Premises Of Any Current Labor Strike, Management-Initiated Lock-Out Of Employees,

Or Boycott Related To A Labor Dispute In Connection With The Hotel And Endorsed By A

Labor Organization Certified As A Representative Of Employees Working On The Hotel's

Premises (05-0954)

Scheduled to *Community & Economic Development Committee
pending list

A review of the Council Committees' actions from November 8, 2005 and determination of

scheduling to the ORA/City Council meeting of November 15, 2005 or future dates

(MATRIX)

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

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

- Sanjiv Handa

A review of the Agendas for the Council Committees for the meetings of November 22,

2005 and the Rules and Legislation Committee of November 24, 2005

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

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

Votes:

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

Fuente

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

- Sanjiv Handa

[View Item.pdf](#)

7

A Review of the Boards and Commissions Vacancy Report

No Action Taken

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

- *Sanjiv Handa*

8

Subject: Chapter 3.20 (The Lobbyist Registration Act) - Amendment

From: Public Ethics Commission

Recommendation: A Continued Discussion And Action On A Report And Recommendation

From The Public Ethics Commission To Amend Chapter 3.20 Of The Oakland Municipal Code

(aka "The Lobbyist Registration Act") To Provide 1) A Restriction On Elected Officials From

Acting As Professional Lobbyists For One Year After Leaving Office; 2) A Limitation On The

Amount Of Gifts Lobbyists Can Give To City Officials, Staff And Their Immediate Families;

3) Quarterly Disclosure Of A Lobbyist's Fundraising Activities; 4) Quarterly Disclosure Of Any

Employment Relationship Among Lobbyists, City Officials And Staff; 5) Disclosure Of The

Names And Titles Of The Persons Whom A Lobbyist Attempts To Influence; And 6)

Misdemeanor Prosecution For Knowing And Willful Violations Of The Act And A One-Year

Practice Ban Upon Conviction (05-0761)

***Withdrawn with No New Date**

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[View Report.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) spoke under Open Forum:

- *Rev. Henry Williams Sr.*

- *Sanjiv Handa*

Adjournment

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

City Council Rules and Legislation Committee adjourned at 11:45 a.m.

NOTE:

Americans With Disabilities Act

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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.

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

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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