

# 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, April 22, 2004

The Oakland City Council Rules and Legislation Committee convened at 11:10 a.m with Council President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

**Excused:** Member Reid

**Present:** Member Chang, Member Wan and Chair De La Fuente

1 Closed Session

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

**Excused;** Member Reid  
1 -

**Aye;** Member Chang, Member Wan and Chair De La Fuente  
3 -

2 Approval of the Draft Minutes from the Committee meeting of April 8, 2004

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

**Excused;** Member Reid  
1 -

**Aye;** Member Chang, Member Wan and Chair De La Fuente  
3 -

3 Determination of Schedule of Outstanding Committee Items

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

**Excused;** Member Reid  
1 -

**Aye;** Member Chang, Member Wan and Chair De La Fuente  
3 -

Attachments:

[Item 3 4-22-04.pdf](#)

4           Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings  
of April 27, 2004

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

- Sanjiv Handa

**\*Approve with the following amendments**

4-1

Subject:   Urban Search and Rescue Team

From:       Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Manager to apply for, accept, and appropriate a grant from the Federal Emergency Management Agency (FEMA), Department of Homeland Security for the period September 10, 2003 to February 9, 2005 in the amount of one million one hundred thousand dollars (\$1,100,000) to meet the continued expenses of the Fire Department's Urban Search and Rescue (USAR) Team as they equip and train to respond to natural disasters and/or weapons of mass destruction (WMD) incidents; and authorizing the City Manager to competitively bid and award contracts for the purchase of trucks, trailers and forklifts as required by FEMA, without return to Council up to a total amount not to exceed four hundred thousand dollars (\$400,000)

Attachments:

[04-0351.pdf](#)

[Item 5 5-11-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

4-2

Subject:   Alcohol Control Enforcement Project

From:       Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate grant funds in an amount not to exceed one hundred thousand dollars (\$100,000) from the State of California, Department of Alcoholic Beverage Control, for a one-year Alcohol Control Enforcement Project within the Police Department and authorizing the Department to enter into a contract for services with the State of California for implementation of this initiative

Attachments:

[04-0335.pdf](#)

[Item 3 5-11-04.pdf](#)

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

- Sanjiv Handa

**Scheduled to the \*Public Safety Committee**

4-3

Subject:   Project Safe Neighborhoods Grant Funds

From:       Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate grant funds in an amount not to exceed one hundred forty thousand dollars (\$140,000) from the State of California, Office of Emergency Services, serving as the fiscal agent for Project Safe Neighborhoods as administered through the Office of the U.S. Attorney, Northern District of California for the U.S. Department of Justice, Bureau of Justice Assistance, in support of the Oakland Homicide Task Force Program and the Drug Education for Youth Program within the Police Department

Attachments:

[04-0341.pdf](#)

[Item 4 5-11-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

4-4

Subject:   West Oakland Weed and Seed Initiative

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 an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) from the U.S. Department of Justice (USDJ), Office of Justice Programs, Executive Office of Weed and Seed for the continued program implementation of the West Oakland Weed and Seed Initiative and authorizing a funding agreement in an amount not to exceed twenty-five thousand dollars (\$25,000) with the Oakland Police Activities League for truancy and mentoring services associated with the program

Attachments:

[04-0352.pdf](#)

[Item 6 5-11-04.pdf](#)

**Scheduled to the \*Public Safety Committee**

- 4-5
- Subject: Destruction of Records  
 From: Office of the City Clerk/Office of Parks and Recreation  
 Recommendation: Adopt a Resolution authorizing the destruction of certain records in the care and custody of the Office of Parks and Recreation (OPR)
- Attachments: [04-0291.pdf](#),  
[04-0297.pdf](#),  
[Item 7 RLC 5-13-04.pdf](#)
- Scheduled to the \*Rules & Legislation Committee**
- 4-6
- Subject: Municipal Clerks Week  
 From: President De La Fuente  
 Recommendation: Adopt a Resolution declaring May 2 through May 8, 2004 as Municipal Clerks Week
- Attachments: [04-0327.pdf](#),  
[Item 8.1 5-04-04.pdf](#)
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4-7
- Subject: Historic Preservation Week  
 From: Councilmember Nadel  
 A Presentation of a Mayoral Proclamation proclaiming May 3 - 7, 2004 as Oakland Historic Preservation Week in the City of Oakland
- Attachments: [04-0345.pdf](#),  
[Item 8.3 5-04-04.pdf](#)
- The following individual spoke and did not indicate a position on this item:  
 - Sanjiv Handa
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4-8
- Subject: City of Oakland's Tax Compliance Program - Assembly Bill 63  
 From: Councilmember Wan  
 Recommendation: A Discussion of the City's tax compliance program related to the passage of local government sharing program (Assembly Bill 63) and the waiver of retroactive penalties and interest; on the May 20, 2004 Rules and Legislation Committee agenda
- Attachments: [04-0353.pdf](#)
- Scheduled to the \*Finance & Management Committee**
- 4-9
- Subject: State Funding for California State Universities  
 From: President De La Fuente  
 Recommendation: Adopt a Resolution declaring the City of Oakland's Support for the "Save the CSU" Coalition's efforts to preserve State funding for California State Universities
- Attachments: [04-0354.pdf](#),  
[Item 10.14CC SUPP 5-04-04.pdf](#),  
[Item S-7 4-29-04.pdf](#)
- Scheduled to the \*Rules & Legislation Committee**
- 4-10
- Subject: Bike to Work Day  
 From: President De La Fuente  
 Recommendation: Adopt a Resolution proclaiming Thursday, May 20, 2004 as "Bike To Work Day in the City of Oakland; on the May 18, 2004 City Council agenda
- Attachments: [04-0355.pdf](#)
- Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency/City Council**
- 4-11
- Subject: Renaming of the Alice Arts Center  
 From: Councilmember Nadel  
 Recommendation: Adopt a Resolution changing the name of the Alice Arts Center to the "Malonga Casquelourd Centre for the Arts"
- Attachments: [04-0356.pdf](#),  
[Item 8 RLC 5-13-04.pdf](#)
- The following individual spoke and indicated a favor position on this item:  
 - Councilmember Nancy Nadel
- Scheduled to the \*Rules & Legislation Committee**

4-12

A request from the April 20, 2004 City Council Closed Session to schedule a Report from the City Attorney's Office regarding trend analysis of expenditures for outside legal counsel over last 10 years; as soon as possible to the City Council agenda  
For scheduling.

**Scheduled to the \*Finance & Management Committee**

4-13

Subject: Children and Youth Services  
From: Department of Human Services  
Recommendation: Adopt a Resolution appropriating \$250,000 in interest income earned to the Oakland Fund for Children and Youth; authorizing the appropriation of \$531,273 from the unspent and available project balance for Project Number p83230 for the Oakland Fund for Children and Youth (fund 1780); and authorizing the City Manager to negotiate and execute professional service contracts between the City of Oakland and various non-profit and public agencies to provide direct services for children and youth under the City's Oakland Fund for Children and Youth for Fiscal Year 2004-2005 in an amount not to exceed \$8,404,000; on the June 8, 2004 Life Enrichment Committee agenda

Attachments:

[04-0346.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

4-14

Subject: 12th Street Public Right of Way  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution granting John Tung Le, a conditional revocable permit for the encroachment of seven soldier piles of a foundation system to a proposed building into the public right-of-way area of 12th Street; on the May 25, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0333.pdf](#)

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

4-15

Subject: 2201 Broadway Investments, LLC  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution granting 2201 Broadway Investments, LLC, an Oregon Limited Liability Company, a conditional revocable permit for the encroachments of existing building foundation and sidewalk basement of an existing building located at 2201 Broadway into the public right-of-way area of Broadway, 22nd Street, and Valley street; on the May 25, 2004 Public Works Committee agenda

Attachments:

[04-0334.pdf](#)

**Scheduled to the \*Public Works Committee**

4-16

Subject: 3003 Fruitvale Avenue - Public Hearing  
From: Community and Economic Development Agency  
Recommendation: Conduct A Public Hearing on an appeal of Planning Commission's Denial of a Minor Conditional Use Permit, Design Review, and Minor Variance to conduct a Health Care Civic Activity, case file number CDV03-563, located at 3003 Fruitvale Avenue, Robert Rittner applicant/appealant (Councilmember President De La Fuente, District 5 )

Attachments:

[04-0338.pdf](#)

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

4-17

Subject: MacArthur Bart Station Transit Village  
From: Community and Economic Development Agency  
Recommendation: Adopt a Redevelopment Agency Resolution authorizing the agency administrator to negotiate and execute a three-party exclusive negotiating agreement with MacArthur Transit Community Partners, LLC. and the San Francisco Bay Area Rapid Transit District to pursue the development of a Transit Village at the MacArthur Bart station; on the May 25, 2004 Community and Economic Development Committee agenda

Attachments:

[04-0339.pdf](#)

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

4-18

Subject: Revitalization of Oakland's Neighborhood Commercial Districts  
From: Community and Economic Development Agency  
Recommendation: Receive an Informational Report on the Main Street approach to revitalization in Oakland's neighborhood commercial districts; on the June 8, 2004 Community and Economic Development Committee agenda  
Attachments:

[04-0348.pdf](#)

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

4-19

Subject: Housing Development Systems, Inc.  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Housing Development Systems, Inc. in an amount not to exceed \$400,000 to design and implement a grant and loan information and management system and allocating up to \$500,000 in previously budgeted capital improvement funds for this purpose and related costs; on the May 25, 2004 Finance and Management Committee agenda  
Attachments:

[04-0349.pdf](#)

**\*Withdrawn with No New Date**

4-20

Subject: Temescal Business Improvement Management District  
From: Community and Economic Development Agency  
Recommendation: Adopt the following pieces of legislation related to the Temescal/Telegraph Avenue Property Business Improvement District:

1) A Resolution of Intention to form the Temescal/Telegraph Avenue Property Business Improvement District, granting preliminary approval of the Management Plan, directing filing of the proposed Assessment District Boundary Description, submitting a proposed assessment to the affected property owners for majority protest procedure approval; and scheduling a public hearing for July 20, 2004; and

Attachments: [04-0350.pdf](#),  
[Item 8 5-11-04.pdf](#),  
[Item 8 CED 5-11-04.pdf](#)

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

4-21

Subject: Rezoning Designation - 1600 - 1672 7th Street  
From: Community and Economic Development Agency  
Recommendation: Adopt an Ordinance rezoning 1600 - 1642 7th Street (7th Street Commercial Historic District) to an S-7 Preservation Combining Zone pursuant to Section 17.102.030 of the Oakland Planning Code; withdraw from the May 4, 2004 City Council agenda with no new date  
Attachments:

[04-0270-1.pdf](#),  
[04-0270.pdf](#)

**\*Withdrawn with No New Date**

4-22

Subject: Garfield Park Field Repair Project  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to award a construction contract to American Civil Constructors, Inc., for the Garfield Park Field Repair (Project No. C196610) in the amount of one hundred sixty two thousand four hundred and twenty seven dollars (\$162,427) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments: [04-0336.pdf](#),  
[Item 10 5-11-04.pdf](#)

**Scheduled to the \*Public Works Committee**

4-23

Subject: Zoning of Designated Parking Areas  
From: Public Works Agency  
Recommendation: Adopt a Resolution approving the establishment of a: 1) Two-Hour Parking Zone on San Pablo Avenue (East Side) between 59th Street and Stanford Avenue; 2) No Parking Any Time Zone on Embarcadero East (North Side) between San Antonio Creek and 5th Avenue; 3) No Parking Between 3:00 A.M. and 6:00 P.M. Zone on Claremont Avenue (both sides) between Clifton Street and Hudson Street; and 4) removal of the Two-Hour Parking Zone on 41st Street (South Side) between Shafter Avenue and Webster Street

Attachments:

[04-0340.pdf](#)

**Scheduled to the \*Public Works Committee**

4-24

Subject: Installation of Stop Signs at Designated Areas  
From: Public Works Agency  
Recommendation: Adopt a Resolution approving installation of stop signs on: 1) Benevides Avenue at El Centro Avenue; 2) Clara Street at Walter Avenue; 3) Leach Avenue at Wellington Street; 4) Hanover Avenue at Newton Avenue; 5) Birdsall Avenue at Kingsland Avenue; 6) Third Street at Alice Street; 7) Third Street at Clay Street; and 8) Merriewood Drive at Broadway Terrace/Crown Avenue

Attachments:

[04-0342.pdf](#)

**Scheduled to the \*Public Works Committee**

4-25

Subject: Oakland Museum of California Woodshop  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the City Manager to award a construction contract or, if necessary, to negotiate and award a construction contract for the installation of an automated dust collection system in the Oakland Museum of California woodshop for an amount not to exceed one hundred forty thousand dollars (\$140,000) (PURSUANT TO SECTION 902-E OF THE CITY CHARTER, THIS ITEM REQUIRES A 2/3 VOTE)

Attachments:

[04-0344.pdf](#)

**Scheduled to the \*Public Works Committee**

4-26

Subject: Aramark Uniform Services  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution awarding a contract for rental and weekly cleaning of work garments to the lowest responsible bidder, Aramark Uniform Services, in an amount not to exceed four hundred thousand dollars (\$400,000.00) per year during the period April 1, 2004 to March 31, 2005, in accordance with Specification No. 05-983-22-1, and authorizing, without return to Council, extension of said contract, one year at a time, for a total of four additional years

Attachments:

[04-0337.pdf](#)

**Scheduled to the \*Finance & Management Committee**

4-27

Subject: Local 790 - Part Time Employees  
From: Finance and Management Agency  
Recommendation: Adopt a Resolution approving the Memoranda of Understanding between the City of Oakland and Service Employees International Union, Local 790; representing employees in Representation Unit S11 (Part-time Employees) covering the period of July 1, 2002 through June 30, 2008

Attachments:

[04-0343.pdf](#),

[Item 17 5-04-04.pdf](#)

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

4-28

Subject: Recreation Centers - High and Low Performers  
From: Office of Parks and Recreation  
Recommendation: Receive a follow-up Informational Report from the Office of Parks and Recreation on Gibson and Associates' evaluation and recommendations based on the five highest and five lowest performing recreation centers; from the May 11 to the May 25, 2004 Life Enrichment Committee agenda

Attachments:

[04-0347.pdf](#)

**Scheduled to the \*Life Enrichment Committee**

ADDITIONAL SCHEDULING ITEMS:

Subject: Youth Recognition Day  
From: Councilmember Brooks  
Recommendation: Adopt a Resolution declaring May 14, 2004 Youth  
Recognition Day in the City of Oakland and Recognizing the many contributions  
of young people and the Oakland Youth Commission

Attachments:

[Item 8.2 5-04-04.pdf](#)

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

An Additional Scheduling Request Verbally Submitted by President De La Fuente

Subject: Levy Premium FoodService Limited Partnership - Consession  
Agreement  
From: President De La Fuente  
Recommendation: Adopt a Resolution approving the Oakland/Alameda County  
Joint Powers Authority (JPA) Contract with Levy Premium FoodService Limited  
Partnership to provide food services at the Oakland Arena

Attachments:

[Item 16 5-04-04.pdf](#)

[Item 16 SUPP 5-04-04.pdf](#)

And to the May 4, 2004, City Council meeting.

Agency/Councilmember Chang made a motion seconded by Agency/Councilmember  
Wan to approve an urgency finding pursuant to Section 2.20.070 E (2) of the Sunshine  
Ordinance an urgency finding was made at the April 22, 2004, Rules and Legislation  
Committee to place this item on the April 27, 2004 Finance and Management Committee  
agenda for the following reasons: 1). The matter came to the attention of the legislative  
body after posting of the 10-day agenda; and 2) there is a need to take immediate  
action which relates to federal or state legislation.

This will also be scheduled to the May 4, 2004 City Council.

**Scheduled to the \*Finance & Management Committee**

Attachments:

[Item 4 4-22-04.pdf](#)

5

A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of  
May 4, 2004

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

- Sanjiv Handa

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

**Excused;** Member Reid  
1 -

**Aye;** Member Chang, Member Wan and Chair De La Fuente  
3 -

Attachments:

[Item 5 4-22-04.pdf](#)

6

Subject: Oakland's Enterprise Zone - Senate Bill 1179  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution in support of Senate Bill 1179, a  
proposal to extend the life of Oakland's Enterprise Zone and other zones in  
California for an additional five years

Attachments:

[04-0293.pdf](#)

[Item 20 5-04-04.pdf](#)

[Item 6 4-22-04.pdf](#)

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

- Sanjiv Handa

**A motion was made by Member Chang, seconded by Member Wan, that this  
matter be \*Approve the Recommendation of Staff, and Forward to the Concurrent  
Meeting of the Oakland Redevelopment Agency / City Council, due back on May  
4, 2004. The motion carried by the following vote:**

**Excused;** Member Reid  
1 -

**Aye;** Member Chang, Member Wan and Chair De La Fuente  
3 -

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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

Adjournment

**NOTE:**

Americans With Disabilities Act  
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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.