

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, October 30, 2003

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 11:05 a.m., with 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

COMMITTEE MEMBERSHIP:

1

Closed Session

Attachments:

[Item 1 10-30-03.pdf](#)

The Committee approved the request that the November 18, 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, that this matter be Approved. 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 October 23, 2003

Attachments:

[Item 2 10-30-03.pdf](#)

A motion was made by Member Chang, seconded by Member Wan, that this matter be Approved. The motion carried by the following vote:

Excused; Member Reid
1 -

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

Determination of Schedule of Outstanding Committee Items

Attachments:[Item 3 10-30-03.pdf](#)

A motion was made by Member Chang, seconded by Member Wan, that this matter be Approved. The motion carried by the following vote:

Excused; Member Reid

1 -

Aye; Member Chang, Member Wan and Chair De La Fuente

3 -

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:

Excused; Member Reid

1 -

Aye; Member Chang, Member Wan and Chair De La Fuente

3 -

A request from the October 28, 2003 Community and Economic Development Committee to schedule a City and Agency Resolution approving the sale of real property to Camden USA, Inc. for the City Center T-10 Residential Project and authorizing a Disposition and Development Agreement for the project; on the December 16, 2003 City Council agenda as a Public Hearing (Committee discussion will be held on December 9, 2003)

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

Subject: High Rise Firefighting Equipment And Training

From: Oakland Fire Department

Recommendation: Adopt a Resolution authorizing the City Manager to accept and appropriate a grant for sixty four thousand five hundred and fifty four dollars (\$64,554) from the Federal Emergency Management Agency (FEMA), United States Fire Administration (USFA), to the Oakland Fire Department, for high rise firefighting equipment and training; on the December 9, 2003 Public Safety Committee agenda

Attachments:[0270.pdf](#)

Scheduled to the *Public Safety Committee

Subject: Federal Local Law Enforcement Block Grant (LLEBG)

From: Oakland Police Department

Recommendation: A Report and Proposed Resolution Amending Resolution No. 78106 C.M.S. Authorizing the Acceptance and Appropriation of Eight Hundred Seventy-Nine Thousand, One Hundred Seventy-Seven Dollars (\$879,177) in Federal Local Law Enforcement Block Grant (LLEBG) Funds to the Police Department and Ninety-Seven Thousand, Six Hundred Eighty- Six Dollars (\$97,686) in Matching Funds from State Citizen's Options for Public Safety (COPS) funds to Supplement Front line Policing Efforts by Providing Additional Support Personnel and Community Outreach; on the December 9, 2003 Public Safety Committee agenda

Attachments:[0277.pdf](#)

Scheduled to the *Public Safety Committee

4. Subject: City and County of San Francisco v. COBRA Solutions, Inc.
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing the City Of Oakland to file an amicus briefs in the appellate proceedings involving City and County of San Francisco v. COBRA Solutions, Inc.
Attachments:
[0271.pdf](#)

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

5. Subject: Jamie R. Smith
From: Office of the City Attorney
Recommendation: Adopt a Resolution recognizing the achievements of Executive Assistant to City Attorney Jamie R. Smith and her dedicated years of service to the Office of the City Attorney and the City of Oakland
Attachments:
[0259.pdf](#)

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

6. Subject: McGuire Research Services, LLC
From: Councilmember Reid
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to enter a contract between the City of Oakland and McGuire Research Services, LLC, in an amount not to exceed \$50,000 to conduct a City-wide survey to determine the nature of citizen interaction with police, for the purpose of gathering statistics on citizens' experience; on the December 9, 2003, Public Safety Committee agenda
Attachments:
[0279.pdf](#)

Scheduled to the *Public Safety Committee

7. Subject: Oakland Public Library
From: Councilmember Chang
Recommendation: Adopt a Resolution honoring and commemorating the Oakland Public Library for 125 years of service to the public; on the December 2, 2003 City Council agenda
Attachments:
[0261.pdf](#)

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

8. Subject: Check Cashing Facilities
From: President De La Fuente
Recommendation: Adopt an urgency measure regarding an interim Ordinance pursuant to Government Code Section 65858 imposing a moratorium on check cashing facilities
Attachments:
[0262.pdf](#)

This item will also be scheduled to the December 2, 2003, City Council for final passage of the ordinance and the December 16, 2003, City Council as a Public Hearing to extend the moratorium on the ordinance.

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

9. Subject: Oakland Army Base Temporary Winter Shelter
From: Department of Human Services
Recommendation: Adopt a Resolution authorizing the reprogramming of \$64,286 of available balances from Fiscal Year 2002/2003 Emergency Housing, Community Promotions Program for Service Organizations, and Winter Relief Program Funds to 1) the Alameda County Continuum of Care Council (\$18,000); 2) the City Of Oakland Continuum of Care (\$27,286) and 3) to Operation Dignity (\$19,000) for the 2003/2004 Oakland Army Base Temporary Winter Shelter; on the December 9, 2003 Life Enrichment Committee agenda
Attachments:
[0275.pdf](#)

Scheduled to the *Life Enrichment Committee

10. Subject: Planning Commission Appeal - 436 Oakland Avenue - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the and sustaining the decision of the City Planning Commission in approving the application for a major variance to construct a six unit residential project located at 436 Oakland Avenue
Attachments: [0272.pdf](#),
[Item 14.5 11-18-03.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council
11. A request to reschedule a Resolution approving and confirming the annual report of the Lakeshore/Lake Park Business Improvement Management District Advisory Board and the continuing annual assessment for the Lakeshore/Lake Park Business Improvement Management District for Fiscal Years 2003-2004 from the November 4, 2003; to the December 16, 2003 City Council agenda
Attachments: [0273.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council
12. Subject: Shop Oakland Parking Program
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing free three-hour parking at designated meters and free parking at City parking garages during the 2003 Shop Oakland Holiday Season
Attachments: [0276.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council
13. Subject: Infiniti Automobile Dealership
From: Community and Economic Development Agency
Recommendation: Adopt an Agency Resolution rescinding Resolution Number 2003-70, adopted on September 30, 2003, and adopting a mitigated negative declaration and authorizing the sale of approximately 4.35 acres of real property located on Oakport Street near Hassler Way for \$3,318,047 to, and authorizing the negotiation and execution of, a Disposition and Development Agreement with, Hendrick Automotive Group for the development of an Infiniti automobile dealership
Attachments: [0263.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council
14. Subject: Alcoholic Beverage Sales Commerical Activity
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing on an appeal of Planning Commission's Approval of a Major Variance to conduct Alcoholic Beverage Sales Commerical Activity, Case File Number VM03-182, located at 4822 Telegraph Avenue, Jack Cicala applicant; on the December 2, 2003 City Council agenda
Attachments: [0265.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council
15. Subject: Planning Commission Appeal - 1144 12th Street - Public Hearing
From: Community and Economic Development Agency
Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and affirming the Planning Commission approval of a Major Conditional Use Permit (CMV03-207) for a clean and sober facility located at 1144 12th Street, Oakland
Attachments: [0267.pdf](#),
[Item 14.3 11-18-03.pdf](#)
Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council

16.

Subject: Andes Construction, Inc. - Rehabilitation of Sanitary Sewers
From: 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); on the December 9, 2003 Public Works Committee agenda

Attachments:

[0266.pdf](#)

Scheduled to the *Public Works Committee

17.

Subject: Cash Management Report
From: Finance and Management Agency
Recommendation: Receive an Informational Cash Management report for quarter ended September 30, 2003; on the December 9, 2003 Finance and Management Committee agenda

Attachments:

[0268.pdf](#)

Scheduled to the *Finance & Management Committee

Subject:
From: Finance and Management Agency
Recommendation: A request from the October 14, 2003 Finance and Management Committee to reschedule a report and recommendations regarding the preliminary salary plan recommendations for executive, management and unrepresented classification

Scheduled to the *Finance & Management Committee

19.

Subject: After School Programs
From: Office of Parks and Recreation
Recommendation: Adopt a Resolution authorizing the City Manager, on behalf of the City of Oakland, to transfer four hundred thousand dollars (\$400,000) from the non-departmental budget to the office of parks and recreation for the purpose of conducting fiscal year 2003-04 after school programs; on the December 9, 2003 Life Enrichment Committee agenda

Attachments:

[0274.pdf](#)

Scheduled to the *Life Enrichment Committee

Attachments:

[Item 4 10-30-03.pdf](#)

5

A review of the Council Committees' actions from October 28, 2003 and determination of scheduling to the ORA/City Council meeting of November 4, 2003 or future dates

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

- Sanjiv Handa

Please refer to Attachment A for Assignment of the Consent Calendar and Non-Consent Items for items that were discussed at the Council Committee meetings of October 28, 2003.

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

Excused; Member Reid
1 -

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

Attachments:

[Attachment A revised 10-30-03.pdf,](#)

[Attachment A.pdf](#)

6

A review of the Supplemental Agenda for the Concurrent Meeting of ORA/City Council for the meeting of November 4, 2003

The City Clerk advised the Committee at the time of printing there were no Supplemental agendas, however, Supplemental agendas will be published based on the previous scheduling requests.

7 A review of the Agendas for the Council Committee meetings for November 11, and November 13, 2003 (ALL NOVEMBER 11, 2003 COMMITTEE MEETINGS CANCELLED DUE TO VETERAN'S DAY HOLIDAY)

The Council/Committee meetings for Tuesday, NOVEMBER 11, 2003 have been cancelled due to Veteran's Day Holiday.

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:

Excused; Member Reid
1 -

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

Attachments: [Item 7.pdf](#)

Changes to the November 13, 2003 agenda:

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

8 Subject: Public Ethics Commission Bylaws
From: Office of the City Manager
Recommendation: Approve Recommendation to obtain required City Council ratification of amendments to the Public Ethics Commission Bylaws pertaining to committee organization and compliance with the Sunshine Ordinance
Attachments: [10.41CC supp 11-4-03.pdf](#),
[Item 8 10-30-03.pdf](#)

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, 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 November 4, 2003. 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 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 11:54 a.m.

* 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.

ORA- Oakland Redevelopment Agency

S- Supplemental Item

NOTES

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Office of the City Clerk

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