

# 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, November 6, 2003

The Oakland City Council Rules and Legislation Committee convened at 10:57 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

The Council will conduct a regular Closed Session scheduled for November 18, 2003  
from 4:00 p.m. to 6:00 p.m.

**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 meeting of October 30, 2003

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

Attachments:

[Item 3 11-6-03.pdf](#)

There were no changes to the pending list.

4 Scheduling of Agenda 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

1. Subject: National Diabetes Awareness Month  
From: Councilmember Brunner  
Recommendation: Adopt a Resolution declaring November, 2003 "National  
Diabetes Awareness Month" in the City of Oakland

Attachments:                    [0293.pdf](#),  
   [Item 8.1 11-18-03.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**

2.

Subject:    Oakland Association of Realtors  
From:        Councilmember Reid  
Recommendation: Adopt a Resolution Honoring the 100 Year Anniversary and  
Inaugural for the Oakland Association of Realtors on December 4, 2003; on the  
December 2, 2003 City Council Agenda

Attachments:                    [0286.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**

3.

Subject:    City Wide Open House Bus Tour  
From:        Councilmember Reid  
Recommendation: Present Proclamations (6) recognizing the Sponsors for the  
first "City Wide Open House Bus Tour" held on October 18, 2003 at City Hall;  
on the December 2, 2003 City Council agenda

Attachments:                    [0288.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.

Subject:    Library Services Retention and Enhancement Act  
From:        Councilmembers Quan and Brunner  
Recommendation: Approve Recommendations regarding the submission of a  
Resolution submitting, on Council's own motion, to the electors of the City of  
Oakland, at the March 2, 2004 election, a proposed Ordinance extending the  
"Library Services Retention and Enhancement Act of 1994," and amending  
Section 2 of said Act - "Use of Proceeds" - in order to expand the services  
funded by the Act; amending Section 4 of the Act - "Imposition of Parcel Tax" -  
in order to increase the parcel tax levy; amending Section 8 of the Act -  
"Minimum Library Appropriation Prerequisite at Fiscal Year 1991-1992 Level" -  
in order to set the minimum general fund appropriation level at the Fiscal Year  
2000-2001 level; and amending Section 9 of the Act - "Term of Taxation" - in  
order to authorize collection of the tax for an additional 15 years; directing the  
City Clerk to fix the date for submission of arguments and to provide notice and  
publication in accordance with the law; and consolidating the Election with the  
Statewide Presidential Primary

Attachments:                    [0291.pdf](#),  
   [24 11-18-03.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item and is time  
sensitive in nature.

This item has also been scheduled to the December 2, 2003 City Council for a  
continued discussion as a Non-Consent Item.

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

5.

A request to reschedule a Resolution recommending Capital Improvement  
Priorities for the Oak Center Redevelopment Project Area; from the December  
9, 2003 to the January 13, 2004 Community and Economic Development  
Committee agenda

Attachments:                    [0150-1.pdf](#)

**Accepted**

6.

A request to reschedule an Ordinance amending the Condominium Conversion  
Program to encourage appropriate conversions; from the December 9, 2003 to  
the January 13, 2004 Community and Economic Development Committee  
agenda

Attachments:                    [0156-1.pdf](#)

**Accepted**

7.

Subject: Pulte Homes Corporation  
From: Community and Economic Development Agency  
Recommendation: Adopt a Resolution approving final map of Tract 7419, a 31-Lot subdivision located at 66th Street, Oakland, Alameda County, California, and accepting offers for dedication contained thereon and authorizing the Superintendent of Streets to enter into an agreement with Pulte Homes Corporation for improvements to be constructed in said subdivision; fixing the amount of security to guarantee the faithful performance of such agreement and adopting plans and specifications for such improvements

Attachments: [0285.pdf](#),  
[Item 17 11-18-03.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item.

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

8.

Subject: Sale of a City Owned Surplus Property  
From: Community and Economic Development agency  
Recommendation: Adopt an Ordinance authorizing the City Manager to enter into purchase and sales agreements for the sale of a city owned surplus property from the negotiated sale conducted on October 24, 2003 to the following high bidder: (2) APN 045-5276-022-02 for \$ 170,000) Hothem Trust; on the December 2, 2003 City Council agenda

Attachments: [0290.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item. It is an additional report regarding an item previously heard at Council.

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

9.

Subject: Interim Controls For Signs Within Specified Zones  
From: Community and Economic Development Agency  
Recommendation: A request to extend by up to 180 days an existing emergency Ordinance establishing interim controls for signs within all commercial, industrial, S-1, S-2, S-3, S-15, and S-16 zones, and suspending conflicting provisions, to take effect immediately upon introduction and adoption; on the December 2, 2003 City Council agenda

Attachments: [0292.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item and is time sensitive in nature.

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

10.

Subject: San Antonio Park Renovation  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing award of a Construction Contract to Bay Construction Company for the San Antonio Park renovation (Project No. C196510) in the amount of six hundred forty-two thousand dollars (\$642,000); on the December 9, 2003 Public Works Committee agenda

Attachments: [0284.pdf](#)

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

11.

Subject: Earthquake Retrofit of Bridges  
From: Public Works Agency  
Recommendation: Adopt a Resolution authorizing the appropriation of an additional one hundred twenty-eight thousand eight hundred thirteen dollars (\$128,813) in Federal highway funds and approving submittal of the request to the California Department of Transportation (Caltrans) to re-appropriate a total of two million three hundred twenty-eight thousand four hundred forty-seven dollars (\$2,328,447) in Federal and State funds to extend the budget authority until June 30, 2005 for the earthquake retrofit of Broadway-Patton, Hegenberger, and Hamilton Bridges (Project Number H24010)

Attachments: [0287.pdf](#),  
[Item 16 11-18-03.pdf](#)

This item has been scheduled directly to City Council as a Non-Consent Item and is time sensitive in nature. There will also be an accompanying City Auditor's report.

**This matter was Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the November 18, 2003 meeting**

12.

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; on the December 9, 2003 Finance and Management Committee agenda

Attachments:

[0289.pdf](#)

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

ADDITIONAL SCHEDULING REQUEST DISTRIBUTED:

Subject: Installation of Mural along 40th Street / Highway 24 Overpass  
From: Councilmember Brunner  
Recommendation: Adopt a Resolution from the Oakland City Council supporting the installation of a mural along 40th Street at the Highway 24 overpass and assuming responsibility for its maintenance and upkeep

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

Attachments:

[Item 4.pdf](#)

5

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

No action was necessary on this item.

DUE TO THE PRESENCE OF COUNCILMEMBER BRUNNER, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES AND LEGISLATION, AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:23 A.M.

Councilmember Brunner was present to address concerns regarding the scheduling of the report on the Library Services Retention Act (Scheduling Item No. 4)

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT 11:30 A.M. TIME AND RECONVENED AS THE RULES AND LEGISLATION COMMITTEE.

6

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

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.

7

A review of the Agenda for the Concurrent Meeting of ORA/City Council for the meeting of November 18, 2003

Attachments:

[Item 7.pdf](#)

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

- Sanjiv Handa

Changes to the November 18, 2003 City Council agenda:

14.4

Subject: Planning Commission Appeal - 4822 Telegraph Avenue - Public Hearing

From: Community and Economic Development Agency

Recommendation: Conduct a Public Hearing and upon conclusion Adopt a Resolution denying the appeal and sustaining the decision of the Planning Commission to approval of a Major Variance to conduct Alcoholic Beverage Sales Commercial Activity, Case File Number VM03-182, located at 4822 Telegraph Avenue, Jack Cicala applicant

Attachments:

[03-0215.pdf](#)

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

16.

Subject: Discrimination Based on Sexual Orientation  
From: Vice Mayor Nadel; Councilmembers Wan and Quan  
Recommendation: Approve the Introduction (First Reading) of 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: [19 11-4-03.pdf](#),  
[Item 7 10-14-03.pdf](#)

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

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 11:45 a.m.

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NOTES

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