

Meeting Minutes City of Oakland

Office of the City Clerk

Oakland City Hall

1 Frank H. Ogawa Plaza

Oakland, California 94612

Ceda Floyd, 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, September 16, 2004

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at

10:50 a.m. with Council 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:**

Votes:

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

2

Approval of the Draft Minutes from the Committee meetings of July 8 and July 15, 2004

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

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

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
(RULES item 3 9-16)

[Committee Report - Item 3 - 9-16-04.pdf](#)

3

Determination of Schedule of Outstanding Committee Items

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

Approve as Amended. The motion carried by the following vote:

Votes:

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

FROM SEPTEMBER 30, 2004:

1

Subject: Amendment to the Sunshine Ordinance

From: Office of the City Clerk/ Public Ethics Commission

Recommendation: Action on a Report and Recommendation to amend Chapter 2.20 of the

Oakland Municipal Code (known as the City of Oakland Sunshine Ordinance) to 1) excuse the

creation, production and on-line and off-line posting requirements for public meetings due to

computer and systems disruption, virus activities, failure and/or emergency maintenance or

repair; and 2) require that City Executive Officers provide agenda-related materials to the City

Clerk (04-0651)

***Rescheduled to *Rules & Legislation Committee on 10/7/2004**

4

Scheduling of Agenda Items and revisions to the agenda for the ORA/ City Council meeting
of September 21, 2004 (SUPPLEMENTAL)

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

Approve as Amended. The motion carried by the following vote:

Votes:

Aye; 4 - Member Chang, Member Reid, Member Wan and Chair De La Fuente
S-4-1

Subject: "Bulletproof Vest Partnership" Grant Funding

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator to accept

five thousand ten dollars and forty-one cents (\$5,010.41) in "Bulletproof Vest

Partnership" grant funding from the United States Department of Justice, Bureau of

Justice Assistance, and appropriate said funds to the Police Department (04-0707)

Scheduled to *Public Safety Committee on 9/28/2004

[Committee Report Item 4 9-28-04 and 10-19CC 10-5....pdf,](#)

[Resolution No. 78834.pdf](#)

S-4-2

Subject: City Attorney's 2003-2004 Annual Report

From: Office of the City Attorney

Recommendation: Action on an Annual Report from the City Attorney's Fiscal

Year 2003-2004 (04-0657)

Scheduled to *Finance & Management Committee on 9/28/2004

[Committee Report Item 6 9-8-04.pdf,](#)

[Item S-6 Committee Report.pdf,](#)

[Supplementa Council Report Item 10.7CC .pdf](#)

S-4-3

Subject: Amendment to the Oakland Municipal Code

From: President of the Council De La Fuente

Recommendation: An Ordinance adding Chapter 10.28__ to Title 10, vehicles and

traffic, of the Oakland Municipal Code, regulating the parking of noncommercial

buses, campers, camp trailers, semitrailers, trailers, trailer coaches, trailer buses,

fifth-wheel travel trailers, factory-built housing, house cars, mobilehomes,

motorhomes, recreational vehicles or RV's, or vehicles built or modified for

domicile of persons or animals on city streets, portions thereof or city throughfares

throughout the city (04-0684)

Scheduled to *Public Safety Committee on 10/12/2004

[Committee Report Item 10.pdf](#)

S-4-4

Subject: Travel Authorization - Councilmembers Nancy Nadel and Larry E.

Reid

From: Councilmembers Nadel and Reid

Recommendation: Adopt a Resolution authorizing Councilmembers Nancy Nadel

and Larry E. Reid's travel to Indianapolis, IN from Nov. 30 - Dec. 4 for the

National League of Cities Conference (04-0717)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/5/2004

[Item 10.7CC10-05-04.pdf,](#)

[Resolution No. 78828.pdf](#)

S-4-5

Subject: United Nations Month - October 2004

From: Councilmember Nadel

Recommendation: Adopt a Resolution declaring October 2004 United Nations

Month in the City of Oakland (04-0725)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/5/2004

[Item 8.3 10-05-04.pdf,](#)

[Resolution No. 78819.pdf](#)

S-4-6

Subject: Marriage Equality Express Day

From: Councilmember Wan

Recommendation: Adopt a Resolution congratulating the Marriage Equality

Express on its Cross-country Educational Expedition and declaring October 4,

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 9/21/2004**

The Committee moved, seconded and carried a motion to approve the following

urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2)

regarding scheduling of this Item: that there is a need to take immediate action

which came to the attention of the local body after the agenda was posted, and

that the need to take immediate action relates to a purely ceremonial or

commendatory action.

[Resolution 78781.pdf](#)
S-4-7

Subject: 880 North Safety Improvement Project

From: Council President De La Fuente

Recommendation: Adopt a Resolution designating the Alameda County

Congestion Management Agency (ACCMA) as the lead project sponsor and

implementing agency for the Interstate - 880 North Safety Improvement Project,

with Oakland's Community and Economic Development Agency as an active

partner that ACCMA will consult and include in all material discussions (04-0731)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 9/21/2004

This item was previously noticed on an agenda pursuant to the 10 day noticing requirements.

S-4-8

Subject: Subsidized Funds Serving Low Income Tenants

From: Community and Economic Development Agency

Recommendation: Action on a Report from the Community and Economic

Development Agency regarding the number of buildings developed with

subsidized funds serving low income tenants scheduled to convert to market rate,

the dates scheduled for conversion and steps to mitigate the impacts of conversion

to low income tenants (04-0732)

Scheduled to *Community & Economic Development Committee on

10/26/2004

[Council Report 10.16CC 11-16-04.pdf](#),

[11-16-04 Council S-10.16CC.pdf](#)

S-4-9

Subject: Health and Human Services Commission's Charter

From: Department of Human Services

Recommendation: A request to remove from the September 28, 2004 Life

Enrichment Committee agenda a Report from the Health and Human Services

Commission regarding its Charter and future directions; to Pending No Specific

Date (04-0649)

Scheduled to *Life Enrichment Committee
S-4-10

Subject: Senior Companion Program

From: Department of Human Services

Recommendation: Adopt a Resolution authorizing the City Administrator to accept

and appropriate grant funds from the City of Berkeley in the amount estimated at

\$14,825 and the Alameda County Area Agency on Aging in the amount estimated

at \$40,289 for the Senior Companion Program for the Fiscal Year 2004-2005

(04-0720)

Scheduled to *Life Enrichment Committee on 9/28/2004

[Committee Report Item 8 9-28-04 and 10-17CC 10-1....pdf,](#)

[Resolution No. 78832.pdf](#)

S-4-11

Subject: Easement - 5982 Ascot Drive

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance abandoning a 5-foot wide reserve public

utility easement located on the northeastern line of 5982 Ascot Drive (04-0712)

Scheduled to *Public Works Committee on 9/28/2004
[CMTE Rpt 5 9-28-04/10-12-04 & Council Rpt 10-19-....pdf](#)
S-4-12

Subject: Easement - 6012 Ascot Drive

From: Community and Economic Development Agency

Recommendation: Adopt an Ordinance abandoning a 5-foot wide reserve public

utility easement located on the southwestern line of 6012 Ascot Drive (04-0713)

Scheduled to *Public Works Committee on 9/28/2004
[CMTE Rpt 9-28-04/10-12-04 & Council Rpt 10-19-04 &....pdf,](#)
[78850.pdf](#)
S-4-13

Subject: Commercial Facade Improvement

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution reallocating \$400,358 from the

Downtown Business Briefing Center to the Downtown Tenant Improvement

Program and Facade Improvement Program and authorizing the Agency

Administrator to negotiate and execute all design contracts for the Commercial

Facade Improvement and Tenant Improvement Programs without returning to the

Agency (04-0715)

Scheduled to *Community & Economic Development Committee on

9/28/2004

[Committee Report Item 3 9-28-04 and item 10.12 1....pdf,](#)

[ORA Resolution No. 2004-54.pdf](#)

S-4-14

Subject: Job Training Performance Standards

From: Community and Economic Development Agency

Recommendation: Action on a Report on the Job Training Performance Standards

of City-funded Workforce Development Programs (04-0716)

Scheduled to *Community & Economic Development Committee on

9/28/2004

[Committee Report 6 Item 9-28-04 and 10.13 10-5-04....pdf,](#)

[Committee 9-28-04 - Council 10-5-04 - Council 10-....pdf](#)

S-4-15

Subject: Workforce Investment Areas

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution supporting the City of Oakland's continued

designation as a Workforce Investment Area and opposing California Performance

Review Section GG23, a recommendation to realign and consolidate Workforce

Investment Areas and Boards (04-0728)

Scheduled to *Rules & Legislation Committee on 9/30/2004

[Committee Report Item 7 9-30-04 Item 10-21CC 10....pdf,](#)

[Resolution No. 78836.pdf](#)

S-4-16

Subject: New Market Tax Credit

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing the City of Oakland to apply for an allocation of New

Market Tax Credits as strong affiliate of Oakland Renaissance NMTC, Inc.

(04-0730)

Scheduled to *Community & Economic Development Committee on

9/28/2004

[Committee Report Item 5 9-28-04 and Item 23 10-5....pdf,](#)

[Resolution No. 78843.pdf](#)

S-4-17

Subject: Free Holiday Parking and Anticipated Parking Revenues

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of legislation:

1) A Resolution authorizing free parking at certain City-owned parking garages

during the 2004 Holiday season; and (04-0733)

Scheduled to *Community & Economic Development Committee on

9/28/2004

[Cmte Rpt 9-28-04 & 10-19-04 and Council Rpt 16 11....pdf](#)
S-4-18

Subject: Pedestrian Countdown Signals

From: Public Works Agency

Recommendation: Adopt a Resolution authoring the City Administrator to enter

into a grant agreement with the State of California, Office of Traffic Safety (OTS),

in the amount of one hundred thirty-one thousand five hundred dollars (\$131,500),

and to accept and appropriate project funds to install pedestrian countdown signals

at twenty-three (23) intersections (04-0704)

Scheduled to *Public Works Committee on 10/12/2004

[11-9-04 Cmte 3.pdf](#),

[Council Report S-33 11-16-04.pdf](#)

S-4-19

Subject: Oakland Municipal Employees Retirement System

From: Finance and Management Agency

Recommendation: Adopt an Ordinance amending Section 14.8 of Ordinance No

713 C.M.S to provide a \$75.00 monthly increase to Oakland Municipal Employees

Retirement System (OMERS) retirees and \$37.50 monthly increase to OMERS

beneficiaries; on the September 28, 2004 Finance and Management Committee

agenda (04-0727)

Scheduled to *Finance & Management Committee on 9/28/2004

[Committee Report 9-28-04 - Council 10-5-04 and 10-....pdf,](#)

[12625.pdf](#)

S-4-20

Subject: Risk Management Measures

From: Oakland Police Department

Recommendation: Action on a Status Report from the Chief of Police on Risk

Management Measures taken by the Police Department to reduce civil claims and

other payouts and promote employee safety (04-0668)

Scheduled to *Finance & Management Committee on 9/28/2004

[Committee Report Item 9.pdf,](#)

[Committee Report 4.pdf](#)

S-4-21

Subject: Oakland Public Library's - Master Facilities Plan

From: Library Department

Recommendation: Action on a Status Report regarding the Oakland Public

Library's draft Master Facilities Plan and request for feedback on the needs

assessment and recommendations for Oakland's libraries (04-0703)

Scheduled to *Life Enrichment Committee on 9/28/2004
[Committee Report Item 9 9-28-04 and Item 3 10-1....pdf](#)
S-4-22

Subject: Children's Bicycle Safety Program

From: Oakland Parks and Recreation

Recommendation: Adopt a Resolution authorizing the City Administrator to apply

for, accept and appropriate grant funds from the State of California Office of

Traffic Safety in an amount not to exceed one hundred twenty thousand dollars

(\$120,000) for the expansion of the Children's Bicycle Safety Program (04-0722)

Scheduled to *Public Safety Committee on 9/28/2004

[Committee Report Item 3 9-28-04 and 10-18CC 10-1....pdf,](#)

[Resolution No. 78833.pdf](#)

S-4-23

Subject: State of California Department of Boating and Water

From: Oakland Parks and Recreation

Recommendation: Adopt a Resolution authorizing the City Administrator to apply

for, accept and appropriate grant funds from the State of California Department of

Boating and Waterways in the amount of sixteen thousand six hundred and fifteen

dollars (\$16,615) for boating equipment for the Lake Merritt Boating Center and

promotion of Boating Safety Education (04-0724)

Scheduled to *Public Safety Committee on 9/28/2004

[Committee Report item 5 9-28-04 and 10-20CC 10-5-....pdf,](#)

[Resolution No. 78835.pdf](#)

S-4-24

Subject: On Broadway Permit Revocation - Public Hearing

From: Office of the City Administrator

Recommendation: A request to withdraw from the September 21, 2004 City

Council agenda a Public Hearing to approve the recommendation to revoke the

"On Broadway" cabaret permit and deny the appeal of Charles Clewis to the

November 16, 2004 City Council agenda (04-0686-1)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 11/16/2004

S-4-25

Subject: BART - Earthquake Safety Program

From: Citizens for BART Earthquake Safety

Recommendation: Adopt a Resolution endorsing the November 2, 2004 Ballot

Measure regarding the BART Earthquake Safety Program and Measure AA

(04-0726)

Scheduled to *Rules & Legislation Committee
as a scheduling request
S-4-26

Subject: Request for Angle Parking

From: Old Oakland Historic District Business Association

Recommendation: a presentation of petition and request for angle parking on 8th

Street between Broadway and Martin Luther King, Jr. Way (04-0734)

Scheduled to *Public Works Committee
On the Public Works Committee Pending List
ADDITIONAL REQUESTS SUBMITTED ON THE DAIS
1.

Subject: Driving Under the Influence

From: Oakland Police Department

Recommendation: Action on a Report from the Chief of the Oakland Police Department

regarding policy on Driving Under the Influence (DUI) traffic checkpoint stops, when there was

a change in direction and who directed the change (04-0778)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/5/2004

S-2.

Subject: Racial Profiling

From: Oakland Police Department

Recommendation: Action on a Report regarding Racial Profiling in the City of Oakland.

(04-0779)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/5/2004

(Rules CMTE Item 4)

[Committees Pending Lists for Rules.pdf](#)

5

A review of the Council Committees' actions from September 14, 2004 and determination

of scheduling to the ORA/City Council meeting of September 21, 2004 or future dates

(CMTE Matrix 9-14-04)

[9-14-04 Committee Matrix.pdf](#)

6

A review of the Agendas for the Council Committee meetings of September 28, 2004

(Rules CMTE Item 6)

[Item 6 Draft Agendas for 9-28-04.pdf](#)

CHANGES TO THE FINANCE AND MANAGEMENT COMMITTEE AGENDA OF

SEPTEMBER 28, 2004:

1

Subject: Revisions to the Civil Services Rules

From: Office of the City Attorney

Recommendation: Action on a Report regarding proposed revisions to the Personnel Manual of

the Civil Service Board (04-0165)

***Rescheduled to *Finance & Management Committee on 10/12/2004**

[Committee Report Item 3.pdf](#),

[Committee Report 3.pdf](#)

CHANGES TO THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

AGENDA OF SEPTEMBER 28, 2004:

1

Subject: Conditional Use Permit Ordinance

From: Councilmember Wan

Recommendation: Adopt an Interim Ordinance requiring a Major Conditional Use Permit for

development resulting in more than two units per lot in the area generally bounded by

MacArthur Boulevard on the north, 23rd Avenue on the east, Marin Way and E. 15th Street on

the south, and 5th Avenue and Park Blvd. on the west. (04-0618)

Scheduled to *Community & Economic Development Committee

To pending list.

2

Subject: Planned Development Zoning District - Public Hearing

From: Community and Economic Development Agency

Recommendation: A request to remove from the September 28, 2004 Community and

Economic Development Committee agenda a Public Hearing regarding Introduction (First

Reading) of an Ordinance adopting Oakland Planning Code Chapter 17.139 (Planned

Development Zoning District Procedure) and making related changes to Oakland's Master Fee

Schedule and Chapter 17.139 (Enforcement); to the October 12, 2004 Community and

Economic Development Committee agenda (04-0545-1)

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

10/12/2004

3

Subject: West Oakland Community Fund

From: Community and Economic Development Agency

Recommendation: Discussion and action on a report regarding a proposal to establish a West

Oakland Community Fund (Community Trust) (04-0384)

Scheduled to *Community & Economic Development Committee

To pending list.

[Scheduling Request.pdf,](#)

[Item 3 Part 2 7-13-04.pdf,](#)

[Item 3 7-13-04.pdf](#)

7

Subject: Support and Services for Office Moves

From: Legislative Analyst

Recommendation: Action on a Report pursuant to Bell Moving Company's contract to provide

moving services for City Departments and Agencies (04-0676)

A motion was made by Member Wan, seconded by Member Reid, that this

matter be *Rescheduled to the *Finance & Management Committee, to be

heard at the October 12, 2004 meeting. The motion carried by the

following vote:

Votes:

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

[Committee Report - Item 7 - 10-26-04.pdf](#)

8

Subject: Global Warming

From: Councilmember Nadel

Recommendation: Adopt a Resolution in Support of California's Law to reduce Global

Warming pollution from passenger cars and light trucks (04-0655)

A motion was made by Member Reid, seconded by Member Wan, that this

matter be *Rescheduled to the Concurrent Meeting of the Oakland

Redevelopment Agency / City Council, to be heard at the September 21,

2004 meeting as a Consent Calendar Item. The motion carried by the

following vote:

Votes:

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

[Committee Report - Item 8 - 9-16-04.pdf,](#)

[Supplemental Council Report 10.13CC 9-21-04.pdf,](#)

[Resolution 78782.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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

Council Rules and Legislation Committee adjourned at 11:42 a.m.

NOTE:

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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.

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chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk

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SAFETY OF THOSE ATTENDING MEETINGS. (...)

*

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