

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, October 14, 2004

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:46

a.m. with Council President De La Fuente presiding as Chairperson.

Roll Call / Call to Order

Excused: Member Wan

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

COMMITTEE MEMBERSHIP:

1

Closed Session

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

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

Votes:

Excused; 1 - Member Wan

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

2

Approval of the Draft Minutes from the Committee meeting of September 30, 2004

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

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

Votes:

Excused; 1 - Member Wan

Aye; 3 - Member Chang, Member Reid 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:

Excused; 1 - Member Wan

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

(Item S-3 RL 10-14-04)

[Item S-3.pdf](#)

4

Scheduling of Agenda Items and revisions to the agenda(s) for the (ORA/City Council

meeting) OR (Council Committee meetings) of (date) (SUPPLEMENTAL)

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

Approved. The motion carried by the following vote:

Votes:

Excused; 1 - Member Wan

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

The following individual spoke on this item:

- *Sanjiv Handa*

4-1

Subject: Tobacco Control Enforcement

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator to accept

and appropriate grant funds in an amount not to exceed fifteen thousand dollars

(\$15,000) from the Alameda County Public Health Department, Tobacco Control

Program for a three-month Tobacco Control Enforcement Project within the Police

Department and authorizing the Department to enter into a contract for services

with the Alameda County Public Health Department for implementation of this

initiative (04-0828)

Scheduled to *Public Safety Committee on 10/26/2004
[Council Rpt 10.18CC 11-16-04.pdf](#)
4-2

Subject: "Secure Our Schools" Initiative

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator to accept

and appropriate grant funds in an amount not to exceed fifty thousand dollars

(\$50,000) from the U.S. Department of Justice, Office of Community Oriented

Policing Services (DOJ/COPS) for continued implementation of the Police

Department's "Secure Our Schools" Initiative (04-0834)

Scheduled to *Public Safety Committee on 10/26/2004

[Council Rpt 10.19CC 11-16-04](#)

4-3

Subject: Gang Resistance Education and Training Program

From: Oakland Police Department

Recommendation: Adopt a Resolution authorizing the City Administrator to accept

and appropriate grant funds in the amount of twenty-nine thousand nine hundred

seventy-three dollars (\$29,973) from the U.S. Department of Justice, Office of

Justice Programs, to the Police Department for the continued implementation of

the Gang Resistance Education and Training (GREAT) Program (04-0846)

Scheduled to *Public Safety Committee on 10/26/2004

[Council Rpt 10.20CC 11-16-04](#)

4-4

Subject: Montclair Parking Garage

From: Office of the City Auditor

Recommendation: Receive a Performance Audit of the management agreement

between the City of Oakland and the Montclair Business Association regarding the

operations of the Montclair Parking Garage (04-0848)

Scheduled to *Finance & Management Committee on 11/9/2004

[PW & F&M Committee Report.pdf,](#)

[Cmte Report 9 11-09-04.pdf](#)

4-5

Subject: Transportation Funding

From: Councilmember Reid

Recommendation: A request to confirm the scheduling of a Special Workshop

regarding Transportation Funding; on November 30, 2004 as a Special Meeting

(04-0644)

Scheduled to Special Concurrent Meeting of the Oakland Redevelopment

Agency and City Council - on 11/30/2004

[Scheduling Request.pdf](#)

4-6

Subject: Zoning Regulations for the City of Oakland

From: Vice Mayor Henry Chang, Jr

Recommendation: Action on a Report on the status of the update to the City's

Zoning Regulations, including all staff and consultant costs, on the December 14,

2004 Community and Economic Development agenda. (04-0826)

Scheduled to *Community & Economic Development Committee on

12/14/2004

4-7

Subject: 2004 "Phoenix Award" Recipients

From: Council President De La Fuente

Recommendation: Adopt a Resolution commending East Bay Habitat for

Humanity, the Environmental Services Division of Oakland's Public Works

Agency, and the Housing Development Division of Oakland's Community and

Economic Development Agency for earning the Prestigious 2004 "Phoenix Award"

by successfully developing a "Brownfield" site and revitalizing an Oakland

Neighborhood (04-0845)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 11/16/2004

[Council Rpt 8.5 11-16-04.pdf](#)

4-8

Subject: Cultural Affairs Commission's Public Art Advisory Cmte -

Appointment

From: Cultural Arts and Marketing

Recommendation: Adopt a Resolution approving the appointment of Carole Jeung

and Deborah Lozier to the Cultural Affairs Commission's Public Art Advisory

Committee (04-0836)

Scheduled to *Life Enrichment Committee on 11/9/2004

[Committee Report 6.pdf](#)

4-9

Subject: Public Art Services Contracts

From: Cultural Arts and Marketing

Recommendation: Adopt a Resolution authorizing the City Administrator to

negotiate and execute cultural services contracts with seven Oakland-Based

individual artists and nonprofit organizations providing public art services in

Oakland in a total amount not to exceed (\$73,517) (04-0838)

Scheduled to *Life Enrichment Committee on 11/9/2004

[Committee Report 8.pdf](#)

4-10

Subject: Malonga Casquelourd Center for the Arts

From: Cultural Arts and Marketing

Recommendation: Adopt a Resolution authorizing the City Administrator to

negotiate and execute a ten-year professional services agreement with SOA Village

Housing, Inc., an Oakland nonprofit corporation, to operate the Malonga

Casquelourd Center for the Arts (04-0839)

Scheduled to *Life Enrichment Committee on 11/9/2004

4-11

Subject: Civil Service Rules

From: Councilmember Wan

Recommendation: A request to schedule a policy discussion on the proposed

updates and revisions to the Civil Service Rules, on the November 30, 2004 as a

Special Meeting (04-0849)

***Withdrawn with No New Date**

4-12

Subject: Renaming a portion of Broadway

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution renaming "Broadway" between 5th Street

and 6th Street and under I-580 to "Broadway Auto Row" (04-0808)

Scheduled to *Public Works Committee on 10/26/2004

[Council Rpt 10.9CC 11-16-04.pdf](#)

4-13

Subject: Redevelopment Plan Extensions - Various Areas

From: Community and Economic Development Agency

Recommendation: Adopt the following Ordinances:

1) An Ordinance adopting the second amendment to the Coliseum Area

Redevelopment Plan to extend the time limits on plan effectiveness and receipt of

tax increment revenue by one year; (04-0827)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 6.pdf](#)

4-14

Subject: Implementation Plans for various Redevelopment Projects

From: Community and Economic Development Agency

Recommendation: Adopt the following Resolutions:

1) A Resolution adopting the 2004-2009 implementation plan for the Acorn

Redevelopment Project (04-0832)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 7.pdf](#)

4-15

Subject: Preservation Park

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution authorizing the acceptance of a \$41,080

in-lieu open space fee in compliance with the conditions of approval and

mitigation measures for the Preservation Park project, and the appropriation of the

revenue for public improvements at Lafayette Park; on the December 14, 2004

Community and Economic Development Committee agenda (04-0833)

Scheduled to *Community & Economic Development Committee on

12/14/2004

4-16

Subject: Measure DD

From: Community and Economic Development Agency

Recommendation: Action on a report regarding Oakland Trust for clean water and

safe parks (Measure - DD) Program implementation progress report #1 and

recommendation to revise expenditure plan; on the December 14, 2004 Life

Enrichment Committee agenda (04-0840)

Scheduled to *Life Enrichment Committee on 12/14/2004

4-17

Subject: Central City East 5 Year Implementation Plan

From: Community and Economic Development Agency

Recommendation: Adopt the following pieces of Legislation:

1) A Resolution authorizing an amendment to the Central City East five year

implementation plan.

2) A Resolution regarding the Central City East Homeownership Rehabilitation

Program, authorizing loans not to exceed \$10,000 for exterior renovation work

under the program, and appropriating \$542,000 in Fiscal Year 2004-2005 for the

program from Central City East Redevelopment Low and Moderate Income

Housing Funds.

3) A Resolution regarding the Central City East Redevelopment Commercial

Facade Improvement Program and designating \$100,000 for the program from

Fiscal Year 2004-2005 Central City East Redevelopment Funds.

4) A Resolution adopting the Central City East Commercial Tenant Improvement

Program and designating \$125,000 for the program from Fiscal Year 2004-2005

Central City East Redevelopment funds (04-0841)

Scheduled to *Community & Economic Development Committee on

11/9/2004

4-18

Subject: Lakeshore/Lake Park Business Improvement Management Dist

Advisory Bd.

From: Community and Economic Development Agency

Recommendation: Adopt 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 2004 - 2005

(04-0842)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 8.pdf](#)

4-19

Subject: MacArthur Transit Village Project

From: Community and Economic Development Agency

Recommendation: Adopt an Agency Resolution authorizing the Agency

Administrator to 1) negotiate and execute a permit to enter, including

indemnification provisions, with BART to allow the Agency to complete

hazardous materials testing on BART-owned property at the MacArthur BART

Station as part of the predevelopment work for the MacArthur Transit Village

Project, and 2) pay up to \$60,000 for no more than one-third of the cost of an

insurance policy, and the policy deductible, to cover third party liability (04-0843)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 9.pdf](#)

4-20

Subject: Fruitvale Business Improvement Management District Advisory Board

From: Community and Economic Development Agency

Recommendation: Adopt a Resolution approving and confirming the Annual

Report of the Fruitvale Business Improvement Management District Advisory

Board and the continuing annual assessment for the Fruitvale Business

Improvement Management District for Fiscal Year 2004 - 2005 (04-0847)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 10.pdf](#)

4-21

Subject: MacArthur Boulevard Utility Undergrounding

From: Public Works Agency

Recommendation: A Request to withdraw the Resolution authorizing award of a

construction contract to the responsible low bidder, Underground Construction

Company, Inc., in an amount not to exceed \$9,282,964.45 for construction of

Underground Utility District No. 233, on MacArthur Boulevard (from 73rd Avenue

to the San Leandro City line) using \$1,673,022 in City of Oakland funds out of a

budget of \$2,000,000 for the project and payments from PG&E, SBC, and Comcast

totaling \$7,609,942, subject to certain conditions; from the October 19, 2004 to the

November 16, 2004 City Council agenda (04-0648)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 11/16/2004

[Cmte Rpt 9-14-04/9-28-04,](#)

[Council Rpt 9-21-04 & 10-5-04.pdf,](#)

[Council Rpt 10-5-04 & Council Rpt 11-16-04.pdf,](#)

[Council Rpts 10-19-04 & 11-16-04.pdf](#)

4-22

Subject: Keep Oakland Beautiful Program - Recognition

From: Public Works Agency

Recommendation: A Request to amend the title of this time to read: A Special

Presentation recognizing the activities of the Keep Oakland Beautiful Volunteer

Program and its Advisory Board Members; currently on the October 19, 2004 City

Council agenda (04-0755-1)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /

City Council on 10/19/2004

4-23

Subject: Camron-Stanford House

From: Public Works Agency

Recommendation: Adopt a Resolution authorizing the City Administrator to reject

all bids for the Camron-Stanford house restoration, waive the competitive bid

process, and negotiate and award a contract for a not to exceed amount of one

hundred seventy five thousand dollars (\$175,000) without return to Council

(Project No. C198910) (04-0809)

This item was scheduled at the October 7, 2004 Rules and Legislation

Committee meeting.

[Committee Report 4.pdf](#)

4-24

Subject: Underground Utility Districts

From: Public Works Agency

Recommendation: Action on an Informational Report on the status of the utility

undergrounding program; and policy procedures and funding for establishing and

implementing Underground Utility Districts; to the Public Works Committee

pending list no specific date (04-0844)

Scheduled to *Public Works Committee
to the Pending List, no specific date
4-25

Subject: Amendment to the Salary Ordinance

From: Finance and Management Agency

Recommendation: Adopt an Ordinance amending the salary schedule of Ordinance

No. 12187 C.M.S. (The Salary Ordinance) to increase the pay of certain

miscellaneous job classifications pursuant to the Deputy City Attorney V and

Special Counsel Association Memorandum of Understanding (04-0831)

Scheduled to *Finance & Management Committee on 10/26/2004

[Cmte Rpt & Council Rpt 20.1 11-16-04.pdf,](#)

[Council Rpt 20.1 11-16-04.pdf](#)

4-26

Subject: Memorandum of Understanding Regarding Unit U41

From: Finance and Management Agency

Recommendation: Adopt a Resolution approving memorandum of understanding

between the City of Oakland and the Deputy Attorney V and Special Counsel

Association, representing employees in representation Unit U41 covering the

period of July 1, 2003 through June 30, 2005 (04-0837)

Scheduled to *Finance & Management Committee on 10/26/2004

[Cmte Rpt Item 4 & Council Rpt 20 11-16-04.pdf,](#)

[Council Rpt 20 11-16-04.pdf](#)

4-27

Subject: Award a Contract - Francisco & Associates

From: City Administrator's Budget Office

Recommendation: Adopt a Resolution authorizing the City Administrator to renew

and execute a contract with Francisco & Associates for a two-year amount not to

exceed \$122,000 to perform District Engineering Services for the Landscaping and

Lighting Assessment District, the Wildfire Prevention Assessment District, the

Emergency Services Retention Act of 1997 (Measure M), the Paramedic Services

Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of

2004 (Measure Q), and the Rockridge Library Community Facilities District of

1992 for Fiscal Years 2005-2006 and 2006-2007 (04-0829)

Scheduled to *Finance & Management Committee on 11/9/2004

[Committee Report 6.pdf](#)

(CMTE Pending 10-12-0)

[Item 4 10-14-04.pdf](#)

ADDITIONAL REQUEST SUBMITTED UPON THE DIAS

Subject: Workforce Investment Board's - Bidding Process

From: Council President Ignacio De La Fuente/Councilmember Brunner

Recommendation: Action on a Status Report from the Oakland Community and Economic

Development Agency on the competitive bidding process for the Workforce Investment Board's

One-stop System Administrator and One-stop Career Center Operator (04-0870)

Scheduled to *Community & Economic Development Committee on

11/9/2004

[Committee Report 11.pdf](#)

Subject: California Stem Cell Research and Cures Initiative

From: Councilmember Reid

Recommendation: Adopt a Resolution declaring the City of Oakland's support of Proposition

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/19/2004**

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 federal or state legislation is

required to avoid a substantial adverse impact that would occur if the action

were deferred to a subsequent special or regular meeting

[Council S-8.6.pdf,](#)

[78847.pdf](#)

5

A review of the Council Committees' actions from October 12, 2004 and determination of

scheduling to the ORA/City Council meeting of October 19, 2004 or future dates

(MATRIX)

(CMTE Matrix 10-12-04)

[Committee Matrix 10-12-04](#)

6

A review of the Agendas for the Council Committees of October 26, 2004

The following individual spoke on this item:

- *Sanjiv Handa*

(Draft Cmte 10-12-04)

[Draft Agendas for 10-12-04.pdf](#)

7

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)

***Withdrawn and Rescheduled to *Rules & Legislation Committee on**

10/21/2004

The following individual spoke on this item:

- *Sanjiv Handa*

S-8

Subject: Measure CC

From: East Bay Regional Park District

Recommendation: Adopt a Resolution declaring the Oakland City Council's support of

Measure CC - Park access, wildfire protection, public safety, and environmental maintenance

measure (04-0803)

***Withdrawn and Rescheduled to *Rules & Legislation Committee on**

10/21/2004

The following individual(s) spoke on this item:

- *John Sutter*

- *Sanjiv Handa*

[Council Report Item S-8 10-19-04.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual spoke under 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 in memory of Norma

Lau at 11:24 a.m.

NOTE:

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings

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