



City of Oakland
Meeting Minutes

DRAFT

Office of the City Clerk
Oakland City Hall
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 18, 2003

10:30 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:50 a.m., with Councilmember Wan presiding as Chairperson.

Roll Call / Call to Order

Excused: Chair De La Fuente

Present: Member Chang, Member Reid and Member Wan

The Roll Call was modified to note Councilmember Reid present at 11:09 a.m.

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 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Wan

2 Approval of the Draft Minutes from the Committee meeting of September 11, 2003 (9.11 Rules Min)

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

Votes: Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Wan

3 Determination of Schedule of Outstanding Committee Items (9.18 Rules)

There were no changes to the pending list.

4 Scheduling of Agenda Items

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

Votes: Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Wan

The following individual spoke on Item 4:

- Sanjiv Handa

**RULES & LEGISLATION
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- 1 Resolution awarding contract to L.N. Curtis and Sons to provide firefighter protective footwear in an amount not to exceed two hundred sixty thousand dollars (\$260,000) for the period August 31, 2003 through August 30, 2006; on the October 14, 2003 Public Safety Committee agenda (03-0132)
Scheduled to *Public Safety Committee on 10/14/2003

- 2 A Report and Proposed Resolution Authorizing the City Manager to Accept and Appropriate a Maximum of Thirteen Thousand Dollars (\$13,000) in Federal Funds from the United States Department of the Treasury, United States Secret Service (USSS) to the Oakland Police Department for the Overtime Costs of One (1) Police Officer Assigned to the Organized Crime Drug Enforcement Task Force (OCDEF) and the Electronic Crime Task Force for the period of October 14, 2003 to September 30, 2004; on the October 14, 2003 Public Safety Committee agenda (03-0130)
Scheduled to *Public Safety Committee on 10/14/2003

- 3 A report and proposed resolution authorizing the City Manager to accept and appropriate a grant in an amount not to exceed forty-nine thousand six hundred and forty-six dollars (\$49,646) from the State of California, Office of Traffic Safety for a four-month California Seat Belt Compliance Campaign within the Police Department; on the October 14, 2003 Public Safety Committee agenda (03-0131)
Scheduled to *Public Safety Committee on 10/14/2003

- 4 An Ordinance Amending Chapter 5.04 Of The Oakland Municipal Code To Remove The City Attorney As A Member Of The Business Tax Board Of Review And Provide That The City Manager Shall Select An Employee Of The City To Serve As A Member Of The Business Tax Board Of Review; on the October 14, 2003 Finance and Management Committee agenda (03-0083)
Scheduled to *Finance & Management Committee on 10/14/2003

- 5 Resolution Authorizing The City Manager To Execute A Professional Services Contract With Rapidtext For Off-Site Real Time Closed Captioning Stenography Services For The Concurrent Redevelopment Agency/Oakland City Council And Committee Meetings In An Amount Not To Exceed Ninety Thousand Dollars (\$90,000) Per Year For The Period From November 1, 2003 Through June 30, 2005 And Authorizing The City Manager To Execute A Two Year Extension Of The Contract For An Additional Amount Not To Exceed Ninety Thousand Dollars (\$90,000) Per Year; on the October 14, 2003 Finance and Management Committee agenda (03-0081)
Scheduled to *Finance & Management Committee on 10/14/2003

- 6 Subject: Ratification of Action by City Manager
From: Office of the City Clerk
Recommendation: Adopt a Resolution ratifying action taken by the City Manager during the Oakland City Council 2003 Annual Recess in conformance with Resolution No. 77709 C.M.S., dated March 25, 2003 (03-0109)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 9/30/2003
This item was scheduled directly to the Council agenda pursuant to the Council Rules and Procedures Rule No. 21.

- 7 Subject: Prevailing Wage Law-SCR 49
 From: Councilmember Brunner
 Recommendation: Adopt a Resolution endorsing the California State Legislature's Conclusion
 (Senate Concurrent Resolution No. 49) that the Prevailing Wage Law addresses statewide
 concerns (03-0088)
 **Scheduled to Concurrent Meeting of the Oakland Redevelopment
 Agency/City Council on 9/30/2003**
- 8 Subject: Amit Kothari
 From: Vice Mayor Nadel
 Recommendation: Adopt a Resolution honoring Amit Kothari for his invaluable contributions
 to the citizens of Oakland (03-0113)
 **Scheduled to Concurrent Meeting of the Oakland Redevelopment
 Agency/City Council on 9/30/2003**
 The Committee determined that this item is ceremonial.
- 9 Subject: United Nations Month
 From: Vice Mayor Nadel
 Recommendation: Adopt a Resolution declaring October, 2003 United Nations Month in the
 City Of Oakland (03-0114)
 **Scheduled to Concurrent Meeting of the Oakland Redevelopment
 Agency/City Council on 9/30/2003**
 The Committee determined that this item is ceremonial.
- 10 Resolution Authorizing a Professional Services Agreement between the City of Oakland and
 Daniel Camacho in an amount not to exceed \$47,000 for the Fruitvale Pedestrian Plaza Public
 Art Project; on the October 14, 2003 Life Enrichment Committee agenda (03-0126)
 Scheduled to *Life Enrichment Committee on 10/14/2003
- 11 Resolution Authorizing a Professional Services Agreement between the City of Oakland and
 Vickie Jo Sowell in an amount not to exceed \$25,000 for the Fruitvale Pedestrian Plaza
 Public Art Project; on the October 14, 2003 Life Enrichment Committee agenda (03-0127)
 Scheduled to *Life Enrichment Committee on 10/14/2003
- 12 Resolution approving the Oakland Fund for Children and Youth Request for Proposals for FY
 2004-2005 services; on the October 28, 2003 Life Enrichment Committee agenda (03-0125)
 Scheduled to *Life Enrichment Committee on 10/28/2003
- 13 Resolution adopting the Oakland Fund for Children and Youth Evaluation Report for Fiscal
 Year 2002-2003; on the October 14, 2003, Life Enrichment Committee agenda (03-0082)
 Scheduled to *Life Enrichment Committee on 10/14/2003
- 14 Consideration of an Ordinance amending the Oakland Planning Code to modify the minimum
 street pavement width requirements provided by Ordinance 12501 C.M.S. related to standards
 for Secondary Units on the September 30, 2003 City Council agenda (03-0141)
 Not Accepted
 *The Committee forwarded this item to the Community and Economic
 Development Committee pending list.*

- 15 Report and recommendation requesting authorization of free three-hour parking at designated meters and free parking at City parking garages during the 2003 holiday season; on the October 28, 2003 Finance and Management Committee agenda (03-0116)
Scheduled to *Finance & Management Committee on 10/28/2003
- 16 An agency Resolution authorizing the purchase from the City Of Oakland for \$419,407, for a portion of the former Railroad Spur (A Portion Of Apn 041-3902-013) located between Hassler Way and Damon Slough which was used for various redevelopment projects known as the Lexus and Infinity automobile dealerships

Companion item:
A City Ordinance authorizing the sale from the City Of Oakland to the Redevelopment Agency of the City Of Oakland for \$419,407, for a portion of the former Railroad Spur (A Portion of APN 041-3902-013) located between Hassler Way and Damon Slough which was used for various redevelopment projects known as the Lexus and Infinity automobile dealerships; on the October 14, 2003 Community and Economic Development Committee agenda (03-0118)
Scheduled to *Community & Economic Development Committee on 10/14/2003
- 17 An Ordinance authorizing the City Manager to enter into a purchase and sale agreement to purchase a portion of the real property located at 1414 73rd Avenue from Lawrence P. Davenport for a total amount not to exceed \$80,000 including closing costs; on the October 14, 2003 Public Works Committee agenda (03-0119)
Scheduled to *Public Works Committee on 10/14/2003
- 18 Subject: Planning Commission Appeal-4690 Tompkins-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 City Planning Commission in approving the application for a major Conditional Use Permit to convert an existing rest home facility into a twenty-seven unit residential project located at 4690 Tompkins Avenue, Oakland (03-0120)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 9/30/2003
- 19 A report regarding the Ordinance amending the Oakland Planning Code to allow the conversion of existing non-residential buildings to residentially-oriented joint living and working quarters in the downtown area bounded by Highway 980/Brush Street, The Estuary Shoreline, The Lake Merritt/Estuary Channel, The Western Shore Of Lake Merritt, And 27th Street; on the October 21, 2003 City Council agenda (03-0121)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 10/21/2003
The Committee directed staff to note that this is a follow-up report to an item previously heard at Council.

- 20 Resolution authorizing the Agency Administrator to enter into a First Amendment to the Third Amended and Restated Easement Agreement regarding the existing vehicular ramp servicing the City Center Garage which would: (1) Permit modification of the existing ramp or replacement of the existing ramp with a new ramp; and (2) Allow the modified or newly constructed ramp to continue to have an entry and exit on 11th Street in downtown Oakland A Resolution authorizing the City Manager to enter into a First Amendment to the Third Amended and Restated Easement Agreement regarding the existing vehicular ramp servicing the City Center Garage which would: (1) Permit modification of the existing ramp or replacement of the existing ramp with a new ramp; and (2) Allow the modified or newly constructed ramp to continue to have an entry and exit on 11th Street in downtown Oakland; on the October 28, 2003 Community and Economic Development Committee agenda (03-0122)

**Scheduled to *Community & Economic Development Committee on
10/28/2003**

- 21 General Plan and Zoning Amendment for the Mandela Transit Village Development; on the October 14, 2003 Community and Economic Development Committee agenda (03-0123)

***Withdrawn with No New Date**

- 22 Subject: Clear Channel Billboard Relocation Agreement
From: Community and Economic Development Agency
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Billboard Relocation Agreement with Clear Channel Outdoor Inc. to waive its rights to compensation, including all real property and personal property interests for twelve billboards located at 2024, 2564, and 6518 San Pablo Ave. (total of seven billboards), 6115 and 7326 International Blvd., 743 High Street, 2715 Foothill Blvd., and 1028 98th Ave. in exchange for the reconstruction of an existing billboard at 743 High Street, a new billboard at 3425 Ettie Street, and the commitment of Clear Channel Outdoor, Inc. to retain its office and operational facilities in the City of Oakland for a minimum period of ten years (03-0124)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment
Agency/City Council on 9/30/2003**

The Committee directed staff to include on the agenda the time sensitive nature of this item as determined by the Rules and Legislation Committee

- 23 A presentation and supplemental report regarding the draft housing element and a Resolution approving the draft housing element and authorizing the City Manager to submit it to the State Department of Housing and Community Development for review; on the October 7, 2003 City council agenda (03-0135)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment
Agency/City Council on 10/7/2003**

The Committee directed staff to note that this is a follow-up report to an item previously heard at Council.

- 24 A resolution appropriating up to \$100,000 from redevelopment funds and authorizing the Agency Administrator to enter into a contract with Burns & Watry, Inc. for services for Central City East Redevelopment area and the West Oakland plan adoption process for an amount not to exceed \$100,000; on the October 14, 2003 Community and Economic Development Committee agenda (03-0137)
Scheduled to *Community & Economic Development Committee on 10/14/2003
- 25 Resolution of intention to levy an annual assessment for fiscal year 2004/05 for the Montclair and Rockridge Business Improvement Districts, approving the annual report of the Montclair and Rockridge Business Improvement Districts Advisory Boards, and scheduling a public hearing for November 4, 2003; on the October 7, 2003 City Council agenda (03-0138)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 10/7/2003
- 26 Ordinance amending the Central District Urban Renewal Plan to eliminate the time limit on establishing debt; on the October 28, 2003 Finance and Management Committee agenda (03-0139)
Scheduled to *Finance & Management Committee on 10/28/2003
- 27 An Ordinance to amend Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

A Resolution to change the General Plan Designation of 1357 5th Street (land bounded by 5th Street, I-880, and Mandela Parkway) from Business Mix to Community Commercial; on the October 28, 2003 Community and Economic Development Committee agenda (03-0092)
Scheduled to *Community & Economic Development Committee on 10/28/2003
- 28 Resolution Authorizing an Agreement for \$460,000 with the State of California Water Resources Control Board and Appropriation of the Funds for PCB Abatement in the Ettie Street Pump Station Watershed; on the October 14, 2003 Public Works Committee agenda (03-0093)
Scheduled to *Public Works Committee on 10/14/2003
- 29 Resolution Authorizing an Award of a Contract to Andes Construction, Inc., for the Rehabilitation of Sanitary Sewers in Market St., 45th St., and West St. (Part of subbasin 50-03) (Project No. C65120), for the Amount of one million two hundred fifty thousand two hundred twenty-five dollars (\$1,250,225); on the October 14, 2003 Public Works agenda (03-0094)
Scheduled to *Public Works Committee on 10/14/2003
- 30 Resolution authorizing amendment no. 6 to the agreement with the KPA group for additional architectural and engineering services for the police administration building seismic retrofit in an amount not to exceed \$435,000 for a total contract amount not to exceed \$1,203,011; on the October 14, 2003 Public Safety Committee agenda (03-0096)
Scheduled to *Public Safety Committee on 10/14/2003

31 Resolution authorizing award of a contract to Andes Construction for the On Call Sanitary Sewers and Storm Drains Emergency Projects (Project No. C219530), for the amount of two hundred fifty thousand dollars (\$250,000); on the October 14, 2003 Public Works Committee agenda (03-0097)

Scheduled to *Public Works Committee on 10/14/2003

32 Resolution authorizing award of a construction contract to Gallagher and Burk, Inc. for rehabilitation of certain streets in the City of Oakland by the overlay method between the dates of September 1, 2003 and August 31, 2004 in the amount of \$1,241,832.40 (Project No. C17180); on the October 14, 2003 Public Works Committee agenda (03-0100)

Scheduled to *Public Works Committee on 10/14/2003

33 Resolution authorizing amendment No. 1 in the amount of \$230,000 to the agreement with Group 4 Architecture Research and Planning, Inc. to complete a Master Facilities Plan and a Proposition 14 Application for a new library for a total contract amount not to exceed \$500,000; on the October 14, 2003 Life Enrichment Committee agenda (03-0102)

Scheduled to *Life Enrichment Committee on 10/14/2003

34 A resolution authorizing the City Manager to award a contract to Friends of Peralta Hacienda Historical Park, a non-profit organization, for project management services to oversee the development and implementation of an interpretive exhibit project funded by the State Office of Historic Preservation Californian Heritage Fund Grant and matching funds in an amount not-to-exceed two hundred thousand dollars (\$200,000); on the October 14, 2003 Life Enrichment Committee agenda (03-0104)

Scheduled to *Life Enrichment Committee on 10/14/2003

35 Resolution authorizing the City Manager to enter into a professional services agreement with URS Corporation for engineering design services for the 7th Street pump Station project for an amount not to exceed one hundred dollars (\$100,000); on the October 14, 2003 Public Works Committee agenda (03-0106)

Scheduled to *Public Works Committee on 10/14/2003

36 Subject: Endymion Systems, Inc.
From: Finance and Management Agency
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a professional services contract with Endymion Systems, Inc., for a telecommunications inventory in an amount not-to-exceed eight one thousand dollars (\$81,000) (03-0140)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 9/30/2003

The Committee directed staff to include on the agenda the time sensitive nature of this item as determined by the Rules and Legislation Committee

37 A request to reschedule the Resolutions directing the allocation of general liability fund monies in accordance with the risk management incentive program (FY 2001/02) with alternatives from the September 23, 2003 to the October 14, 2003 Finance and Management Committee agenda (03-0136)

***Rescheduled to *Finance & Management Committee on 10/14/2003**

- 38 Fiscal Year 2002-03 Fourth Quarter Performance Measurement Report; on the October 14, 2003 Finance and Management Committee (03-0110)
Scheduled to *Finance & Management Committee on 10/14/2003
- 39 Fiscal Year 2003-04 Performance Measurement Report; on the October 14, 2003 Finance and Management Committee agenda (03-0111)
Scheduled to *Finance & Management Committee on 10/14/2003
- 40 Subject: Robert C. Bobb-Settlement and Employment Agreement
From: Office of the City Attorney
Recommendation: Adopt a Resolution authorizing the City to enter into Settlement and Employment Agreements with Robert Bobb ("Bobb"), former City Manager, pursuant to which Bobb will release claims he may have against the City and provide transition assistance and services to facilitate a smooth, effective continuation of City services for a total amount not to exceed two hundred seventy five thousand dollars (\$275,000) (03-0142)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 9/30/2003
The City Attorney advised that this Resolution was prepared at the direction of the City Council at their July 29, 2003 Closed Session meeting.
- 5 A review of the Council Committees' actions and determination of scheduling to the ORA/City Council meeting
There was no action necessary on this item.
- 6 A review of the Supplemental Agenda for the Committee meetings of September 23, 2003
A motion was made by Member Reid, seconded by Member Chang, to Approve as Amended. The motion carried by the following vote:
Votes: Excused; 1 - Chair De La Fuente
Aye; 3 - Member Chang, Member Reid and Member Wan
The following individual spoke on Item 6:
- Sanjiv Handa

Changes to the Finance and Management Committee agenda:

Subject: Alameda County Unpaid Parking Tax
From: Office of the City Auditor
Recommendation: Receive an Informational Report regarding the City Auditor's compilation of Alameda County unpaid parking tax as of June 30, 2002 (03-0036)
***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 9/30/2003**
This item was scheduled to the September 30, 2003 City Council Closed Session agenda.

7 A review of the Agenda for the Concurrent Meeting of ORA/City Council for th meeting of September 30, 2003 (AR-CC)

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

Votes: Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Member Reid and Member Wan

The following individual spoke on Item 7:

- Sanjiv Handa

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual spoke under Open Forum:

- Sanjiv Handa

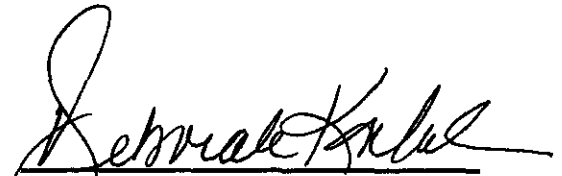
Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:37 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


City Clerk and Clerk of the Council

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**RULES & LEGISLATION
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SEP 25 2003