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City of Oakland Meeting Minutes

*Special Public Works Committee

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

City of Oakland Website: <http://www.oaklandnet.com>

Wednesday, November 12, 2008

11:30 AM

Hearing Room One - 1st Floor

Roll Call / Call to Order

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Councilmember Present: 4 - Member Chang, Member Kernighan, Chair Nadel and Member Brooks

The Oakland City Council Public Works Committee convened at 11:34 a.m., with Councilmember Nadel presiding as Chairperson.

- 1 Approval of the Draft Minutes from the Committee Meeting held on October 14, 2008
A motion was made by Member Brooks, seconded by Member Kernighan, to *Approve the Minutes. The motion carried by the following vote:
Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

- 2 Determination of Schedule of Outstanding Committee Items
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A motion was made by Member Kernighan, seconded by Member Brooks, to *Approve as Submitted. The motion carried by the following vote:
Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

- 3 Subject: Bottle And Can Recycling Grant Usage
From: Public Works Agency
Recommendation: Receive An Informational Report Describing Use Of Annual Grant Funds Received From California Department Of Conservation For Bottle And Can Recycling
[07-1716](#)
[Play Video](#)
A motion was made by Member Kernighan, seconded by Member Chang, that this matter be *Received and Filed. The motion carried by the following vote:
Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks
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- 4 Subject: Vacating 3207 Mandela Parkway
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Summarily Vacating A Remnant Portion Of The Public Right-Of-Way Adjacent To 3207 Mandela Parkway (Formerly Beach Street) And Authorizing Its Disposal As Surplus Property

[07-1724](#)

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A motion was made by Member Chang, seconded by Member Kernighan, 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 18, 2008 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

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- 5 Subject: Inner Harbor Bay Trail Segment - Oakland Waterfront Trail
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Apply For, Accept And Appropriate Up To Seven Hundred Thousand Dollars (\$700,000.00) In Grant Funds From The California Department Of Parks And Recreation Recreational Trails Program For The Fruitvale Avenue To High Street Bridge - Inner Harbor Bay Trail Segment Of The Oakland Waterfront Trail

[07-1755](#)

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A motion was made by Member Kernighan, seconded by Member Chang, 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 18, 2008 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

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6 Subject: Project Delivery Unit Report
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On The Functions And Processes Of The Project Delivery Division Of The Design And Construction Services Department
[07-1495](#)

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A motion was made by Member Chang, seconded by Member Kernighan, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

The Committee directed staff to reevaluate the Customer Survey questions to encourage more details of dissatisfaction and for survey question number one (1) to be reworded to include a more direct response i.e. Did you receive the hand delivered notice timely?; etc.. The committee further directed that the Client Agency Survey include more specific questions about staying on track with the Budget of the project and the timely completion of the contract.

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7 Subject: Sidewalk Repair Priority Plan
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Establishing A Five Year Prioritization Plan For The City Of Oakland's Sidewalk Repair Program And Allocating Sidewalk Repair Funds To Specific Categories Of Repair Each Year
[07-1711](#)

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A motion was made by Member Chang, seconded by Member Kernighan, that this matter be Continued to the *Public Works Committee, due back on December 16, 2008. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

The Committee continued this item to the December 16, 2008 Public Works Committee and directed staff to provide the following information: 1) Detailed data analysis by location of the trip and fall claims in the City, this information can be provided in map form; 2) What does it take to maintain a safe sidewalk?; 3) What is staff analysis of the use of a concrete grinder as an alternative to secure sidewalks? 4) Where is City damage versus private damage; 5) What will the impacts on Commercial corridors be with the Sidewalk Maintenance being performed? and 6) Can the Sidewalk maintenance be dispersed throughout the City at the Commercial Corridors.

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8 Subject: Sidewalk Safety And Maintenance - Liability
From: Office of the City Attorney
Recommendation: Adopt An Ordinance Of The City Of Oakland Adding Chapter 12.22 To The Oakland Municipal Code To Establish Landowner Responsibility And Liability For Sidewalk Safety And Maintenance
[07-1731](#)
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A motion was made by Member Chang, seconded by Member Kernighan, that this matter be Continued to the *Public Works Committee, due back on December 16, 2008. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks

The Committee continued this item to the December 16, 2008 Public Works Committee and directed staff to provide the following information: 1) A detailed analysis of the relevant sidewalk safety court cases; and 2) How is Liability For Sidewalk Safety for residents working with other cities and homeowner(s) insurance agencies; 3) Define pedestrian walkway; 4) What type of notification to property owners of their new sidewalk liability; 5) Describe the entire program for fixing sidewalks not caused by City damage; 6) How many sidewalks without City damage need to get fixed?; 7) What is the average cost of fixing sidewalks; and 8) City Attorney staff was further directed to work jointly with CEDA Staff to provide adequate background of the current sidewalk repair programs.

The following individual(s) spoke and did not indicate a position on this item:

- Catherine Cusick
- Valerre Ackerman
- Dennis Lee

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9 Subject: Oakland Bay Trail - Change Order Limit Increase
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Increase The Change Order Limit By Two Hundred Eighty Thousand Dollars (\$280,000.00) On The Construction Contract With Mcguire And Hester For The Oakland Bay Trail: Mandela Parkway Project For A Total Contract Amount Not To Exceed One Million Five Hundred Sixty-Nine Thousand Three Hundred Six Dollars (\$1,569,306.00)
[07-1770](#)
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A motion was made by Member Chang, seconded by Member Kernighan, 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 18, 2008 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Chang, Chair Nadel and Member Brooks
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Open Forum (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Special Public Works Committee adjourned the meeting at 1:11 p.m.

* In the event of 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.

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