



City of Oakland Meeting Minutes

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, 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, June 17, 2010

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Member Quan, Member Reid, Chair Brunner and Member De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:50 am with Councilmember Brunner presiding as Chairperson.

1 Closed Session

A motion was made by Member Quan, seconded by Member De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

2 Approval of the Draft Minutes from the Committee meeting of June 3, 2010.

A motion was made by Member Quan, seconded by Member De La Fuente, to *Approve the Minutes. The motion carried by the following vote:

Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

3 Determination of Schedule of Outstanding Committee Items

A motion was made by Member De La Fuente, seconded by Member Quan, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings) of June 22, 2010 (SUPPLEMENTAL)

[617item4](#)

[View Report.pdf](#)

S-4-1 Subject: Sewer Service Fund - Franchise Fee Payment
From: Budget Office
Recommendation: Adopt A Resolution To Fully Appropriate The Sewer Service Fund 10% Franchise Fee Payment To The General Purpose Fund; On The June 24, 2010 Special City Council Agenda
[09-1590](#)

***Withdrawn with No New Date**

S-4-2 Subject: 2010-2011 Article XIII B Appropriations Limit
From: Budget Office
Recommendation: Adopt A Resolution Establishing An Appropriations Limit For Fiscal Year 2010-2011 Pursuant To Article XIII B Of The California Constitution
[09-1591](#)

Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 6/24/2010
[82850 CMS.pdf](#)

S-4-3 Subject: Biennial Budget Amendments
From: Budget Office
Recommendation: Adopt A Resolution Authorizing Amendments To The Biennial Budget As The Financial Plan For Conducting The Affairs Of The City Of Oakland For Fiscal Year 2010-2011 By (1) Amending The Midcycle Policy Budget (Amended By Resolution #82235 C.M.S., 82335 C.M.S., 82519 C.M.S., 82582 C.M.S., 82578 C.M.S., 82646 C.M.S. And 82731 C.M.S.) To Reflect Further Changes To Revenues And Expenditures In The General Purpose Fund And In Various Funding Sources, Eliminate The Budget Deficit And Balance The Budget For Fiscal Year 2010-2011; And (2) Appropriating Certain Funds To Provide For The Expenditures Proposed By Said Budget
[09-1592](#)

Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 6/24/2010
[View Report.pdf](#)
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[82849 CMS.pdf](#)

S-4-4 Subject: 20th Anniversary Of The Americans With Disabilities Act
From: Council President Brunner
Recommendation: Adopt A Resolution Celebrating The Twentieth Anniversary Of
The Americans With Disabilities Act And Honoring Local Disability Services
Agencies And Disability Advocates For Distinguished Service To The City Of
Oakland And The Disability Community
[09-1570](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/20/2010**

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[82881 CMS.pdf](#)

S-4-5 Subject: Citywide Records Management Program
From: Council President Brunner
Recommendation: Adopt A Resolution Regarding Development Of A Citywide
Records Management Program
[09-1575](#)

Scheduled to *Finance & Management Committee on 7/13/2010

[View Report.pdf](#)
[View Report.pdf](#)
[82908 CMS.pdf](#)

S-4-6 Subject: Support Of Assembly Bill 1532
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution In Support Of Amended Assembly Bill
1532 (Assembly Member Lieu) Related To Codifying The Definition Of A Code
Enforcement Officer; On The July 1, 2010 Rules And Legislation Committee
Agenda
[09-1576](#)

No Action Taken

*The committee directed staff to bring request back to the June 24, 2010 Rules
and Legislation Committee meeting*

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[82897 CMS.pdf](#)

S-4-7 Subject: Oakland City Charter - Deleting Section 910 Of Article IX
From: Councilmember Kernighan
Recommendation: Adopt A Resolution To Place A Measure On The November 2010 Ballot To Amend The Oakland City Charter, Removing The Requirement Of Binding Arbitration For Uniformed Members Of The Police And Fire Departments By Deleting Section 910 Of Article IX From The City Charter: On The July 8, 2010 Rules And Legislation Committee Agenda
[09-1597](#)

***Withdrawn with No New Date**

The following individual spoke on this item:
- Sanjiv Handa

S-4-8 Subject: Professional Services Agreement - Salvation Army
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, To Execute A Professional Services Agreement With Salvation Army To Provide Center-Based Early Care And Education Services For 28 Low-Income Families With Children Ages 0-3, In An Amount Not To Exceed \$73,450 For July-September 2010; And Contingent Upon Receipt Of Early Head Start Funding, Authorizing The City Administrator To Execute A One-Year Extension For October 1, 2010 Through September 30, 2011 For An Additional Amount Not To Exceed \$109,200, For A Total Not To Exceed \$182,650
[09-1571](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

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[82925 CMS.pdf](#)

S-4-9 Subject: Lease Of City-Owned Property - 1226 73rd Avenue
From: Department of Human Services
Recommendation: Adopt An Ordinance Authorizing The Assumption By East Oakland Community Project, Of A Lease On A City-Owned Property Located At 1226-73rd Avenue And Previously Awarded To Mercy Properties California For Use As A Shelter Plus Care Housing Facility, And An Extension Of The Lease Period For Another Three Years Until June 2015
[09-1572](#)

Scheduled to *Finance & Management Committee on 7/13/2010

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[13034 CMS.pdf](#)

S-4-10 Subject: Professional Services Contract - Abbott, Little Consulting
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Professional Services Contract With Abbott, Little Consulting Services For The Period Of July 1, 2010 Through June 30, 2011 In An Amount Not To Exceed \$50,000 From Federal Sources For Technical Assistance, Training, And Program Development Related To The Implementation Of Oakland PATH Strategy; On The July 13, 2010 Life Enrichment Committee Agenda
[09-1587](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

S-4-11 Subject: 1226 73rd Avenue Repairs And Upkeep Grant
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The Assumption By East Oakland Community Project, Of A Grant In The Amount Of \$25,000 Awarded Previously To Mercy Properties California By The City For Repairs And Upkeep Of The City-Owned Property Located At 1226 73rd Avenue Which Is Used For Households Enrolled In The Shelter Plus Care Program, And Superseding Resolution Number 81132 C.M.S.
[09-1588](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

The following individual spoke on this item:

- Sanjiv Handa
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S-4-12 Subject: SAP Professional Services Contract
From: Department of Information Technology
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Award A Professional Services Contract To SAP Or An Authorized Distributor Of Their Products, For Installation, Configuration And Training Of The Crystal Report Server Application In An Amount Not-To-Exceed Thirty Five Thousand Dollars (\$35,000) In Oakland Police Department
[09-1577](#)

Scheduled to *Public Safety Committee on 7/13/2010

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[82935 CMS.pdf](#)

S-4-13 Subject: Sewer Service Charge Increase
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Chapter 13 Of The Oakland Municipal Code (Section 13.04.020) Increasing The Sewer Service Charge And Providing For Annual Increases Of Sixteen Percent Through January 1, 2013 And Increases Based On The Consumer Price Index Thereafter
[09-1299-1](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

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[13035 CMS.pdf](#)

S-4-14 Subject: Self-Serve Laundromat Appeal
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (AIO-125), Thereby Upholding The Planning Commission Decision To Approve A Major Conditional Use Permit At 1500 E. 12th Street To Establish A Self-Serve Laundromat (Consumer Service Commercial Activity) (Planning Case File No.CMLO-065)
[09-1553](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

The following individual spoke on this item:

- *Quyen N. Do*
[View Report.pdf](#)
[82942 CMS.pdf](#)

S-4-15 Subject: Fruitvale Bart Parking Lot
From: Community And Economic Development
Recommendation: Adopt An Agency Resolution Authorizing The Acquisition Of 3.41 Acres Of Real Property At The Fruitvale BART Parking Lot Located In The Coliseum Redevelopment Project Area, From The San Francisco Bay Area Rapid Transit District, For \$6,000,000 And Authorizing Up To \$20,000 For Real Estate Closing Costs
[09-1567](#)

Scheduled to *Community & Economic Development Committee on 7/13/2010

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[View Supplemental Report.pdf](#)
[2010-0100 CMS.pdf](#)

S-4-16 Subject: Proposed Foods Co Supermarket And Fuel Station
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute An Exclusive Negotiating Agreement With Ralphs/Food 4 Less Grocery Company For Development Of A Proposed Foods Co Supermarket And Fuel Station At The Northeast Corner Of 66th Avenue And San Leandro Street
[09-1568](#)

Scheduled to *Community & Economic Development Committee on 7/13/2010

The following individual spoke on this item:

- Sanjiv Handa

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[2010-0097 CMS.pdf](#)

S-4-17 Subject: Revenue Projections Revision
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution Numbers 2009-0072, 2009-0090 And 2010-0055 C.M.S. To Amend The Agency Budget For Fiscal Years 2010-2011 To Revise Appropriations Related To An Overpayment Of Tax Increment Revenue To The Oak Center And Stanford/Adeline Redevelopment Areas; And An Underrealization Of Tax Increment Revenue In Fiscal Year 2009-2010; And

[09-1569](#)

Scheduled to *Community & Economic Development Committee on 7/13/2010

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[2010-0098 CMS.pdf](#)

2) A Resolution Forgiving The Remaining Interest And Principal Owed On The \$3,285,131 Debt From The Redevelopment Agency Under The 1966 Oak Center Repayment Contract
[09-1569-1](#)

Scheduled to *Community & Economic Development Committee on 7/13/2010

[82915 CMS.pdf](#)

S-4-18 Subject: Opposition To Senate Bill 974
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution In Opposition To Senate Bill 974 (D. Stienberg) Amending The Enterprise Zone Program
[09-1594](#)

Scheduled to *Rules & Legislation Committee on 7/8/2010

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[82896 CMS.pdf](#)

S-4-19 Subject: Refuse Packer Repair
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Appropriate Insurance Claim Recovery Monies In The Amount Of One Hundred Thirty Three Thousand, Seven Hundred Ninety Four Dollars And Eighty Nine Cents (\$133,794.89) Received For Damage To Public Works Agency Refuse Packer Equipment No. 4297 To Be Used For Replacement Of The Equipment And Payment In Full Of The Balance Remaining On The Lease
[09-1574](#)

Scheduled to *Finance & Management Committee on 7/13/2010

The following individual spoke on this item:

- Sanjiv Handa
[View Report.pdf](#)
[82907 CMS.pdf](#)

S-4-20 Subject: Storm Drain Line Rehabilitation Contract
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To J & M, Inc. For Rehabilitation Of Storm Drain Line Along Shepherd Canyon Road Between Gunn Drive And Paso Robles Drive (Project Number C336020) In The Amount Of Five Hundred Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$524,853.00)
[09-1578](#)

Scheduled to *Public Works Committee on 7/13/2010

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[82901 CMS.pdf](#)

S-4-21 Subject: Restoration Access Road - North Oakland Sports Field
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For The Restoration Of Slope And Fire Access Road Above North Oakland Sports Field (Project Number C400810) In Accord With Project Plans And Specifications And Contractors Bid Therefore, In The Amount Of Two Hundred Forty-Six Thousand Six Hundred Fifty-Five Dollars (\$246,655.00)
[09-1579](#)

Scheduled to *Public Works Committee on 7/13/2010

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[82902 CMS.pdf](#)

S-4-22 Subject: Energy Efficiency Improvements Agreement - Civic Center Buildings
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Solicitation For Fixed, Sealed Bids And Price-Based Award Requirements And Authorizing The City Administrator Or Designee To: 1. Award A Design-Build Agreement To United Comfort Solutions, Inc. For Energy Efficiency Improvements To The Heating, Ventilating And Air Conditioning (HVAC) System Controls For The Civic Center Complex Buildings For An Amount Not To Exceed Six Hundred Ninety-Five Thousand Dollars (\$695,000.00), To Be Paid In Part With Federal Government Stimulus Package Funds; And 2. Accept And Appropriate Energy-Related Rebates In Project Numbers C388910 (Civic Center Data Center Server Virtualization), And C389010 (Civic Center Electronic HVAC Control Upgrades Building Automation System) For Energy Efficiency Improvements To The HVAC System Controls For The Civic Center Complex Buildings; And 3. Appropriate Fifty-Five Thousand Four Hundred Five Dollars (\$55,405.00) Of Energy Rebate Funds In Project H33620 (CED Loan - HVAC Conservation) For Energy Efficiency Improvements To The HVAC System Controls For The Civic Center Complex Buildings
[09-1581](#)

Scheduled to *Public Works Committee on 7/13/2010

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[82903 CMS.pdf](#)

S-4-23 Subject: Stop Sign Installation - Various Locations
From: Public Works Agency
Recommendation: Adopt A Resolution Approving The Installation Of Stop Signs On:
1. Cunningham Street At Davenport Avenue;
2. Whitney Street At 65th Street;
3. East 24TM Street At 12th Avenue;
4. Carisbrook Drive At Skyline Boulevard;
5. Ney Avenue At 75th Avenue;
6. Holway Street At 57th Avenue; And
7. Wood Street At 14th Street.

[09-1582](#)

Scheduled to *Public Works Committee on 7/13/2010

The following individual spoke on this item:

- Sanjiv Handa
[View Report.pdf](#)
[82904 CMS.pdf](#)

- S-4-24 Subject: Sanitary Sewer Root Foaming
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Duke's Root Control, Inc. For The Sanitary Sewer Root Foaming 2009 - 2011 Project (Project No. P188440) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)
[c09-1586](#)
Scheduled to *Public Works Committee on 7/13/2010
[View Report.pdf](#)
[82905 CMS.pdf](#)
- S-4-25 Subject: Parking Zone Establishment - 37th Avenue
From: Public Works Agency
Recommendation: Adopt A Resolution Approving The Establishment Of:
1) One-Hour Parking From 8:00 A.M. To 6:00 P.M., From Monday To Friday, On Both Sides Of 37th Avenue Between East 8th Street And Boehmer Street; And 2) "No Parking Anytime" From Monday To Sunday On Both Sides Of 37th Avenue Between Boehmer Street And The Southern End
[09-1593](#)
Scheduled to *Public Works Committee on 7/13/2010
[View Report.pdf](#)
[82906 CMS.pdf](#)
- S-4-26 Subject: Streets And Roads Rehabilitation Phase II
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award The Contract For Construction Of Various Streets And Roads, Rehabilitation Phase II (Project No. C396810) To The Lowest Responsible, Responsive Bidder, Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible Or Are Over The Engineer's Estimate, Up To One Million Two Hundred Sixty-Five Thousand Eighty Dollars (\$1,265,080.00), Without Return To Council
[09-1580](#)
Scheduled to *Public Works Committee on 7/13/2010
[View Supplemental Report.pdf](#)
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[82947 CMS.pdf](#)

S-4-27 Subject: Montclair Business Association Contract Extension
From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing An Extension Of The Contract
Between The City And The Montclair Business Association On A Month To
Month Basis Not to Exceed June 30, 2011

[09-1573](#)

Scheduled to *Finance & Management Committee on 6/22/2010

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[82867 CMS.pdf](#)

S-4-28 Subject: Renaming Of The Fox Square Park
From: Office of Parks and Recreation
Recommendation: Adopt A Resolution Renaming The "Fox Square Park" Located
At 1900 Rashida Muhammad Street To The "Henry J. Kaiser Memorial Park" In
Response To A Significant Donation From Kaiser Permanente For The Completion
And Installation Of The "Remember Them: Champions For Humanity" Monument

[09-1583](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

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[82926 CMS.pdf](#)

S-4-29 Subject: Master Fee Schedule Amendment - Office Of Parks And Recreation
From: Office of Parks and Recreation
Recommendation: Adopt An Ordinance Amending Ordinance Number 12948
C.M.S. (Master Fee Schedule), As Amended To Add Assessed Fees By The Office
Of Parks And Recreation For The Dunsmuir Hellman Historic Estate

[09-1584](#)

**Scheduled to Special Concurrent Meeting of the Oakland Redevelopment
Agency/City Council on 6/24/2010**

The following individual spoke on this item:

- *Sanjiv Handa*

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[13027 CMS.pdf](#)

S-4-30 Subject Operations Of Dunsmuir:
From: Office of Parks and Recreation
Recommendation: Receive An Informational Report Regarding The Operations At
Dunsmuir Hellman Historic Estate

[09-1585](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

S-4-31 Subject: Lincoln Square Outdoor Corridor Improvement
From: Office of Parks and Recreation
Recommendation: Adopt A Resolution Authorizing The City Administrator To Approve, Accept And Appropriate A Grant Contract Awarding Two Hundred Thousand Dollars (\$200,000) In Grant Funds From The Stewardship Council Infrastructure Grant For The Lincoln Square Outdoor Recreation Corridor Project
[09-1589](#)

Scheduled to *Life Enrichment Committee on 7/13/2010

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[82927 CMS.pdf](#)

Request submitted on Dias

#1 Subject: Medical Cannabis Dispensaries
From: Councilmembers Reid And Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80 "Medical Cannabis Dispensary Permits" To Increase The Total Number Of Dispensary Permits From Four (4) To Six (6) And Add Regulatory Language

[09-1619](#)

Scheduled to *Public Safety Committee on 7/13/2010

The following individual spoke on this item:

- Sanjiv Handa

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#2 Subject: Wilkie Roy Morgan - Retirement
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Honoring Mr. Wilkie Roy Morgan For Thirty Five (35) Years Of Dedicated And Distinguished Service To The City Of Oakland And Congratulating Him On His Retirement

[09-1599](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/6/2010

The following individual spoke on this item:

- Sanjiv Handa

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[82852 CMS.pdf](#)

#3 Subject: Urgency Temporary Moratorium On Telecommunications Facilities
From: Council President Brunner/Vice Mayor Quan/Councilmember De La Fuente
Recommendation: Adopt An Interim Ordinance Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Establishment Or Expansion Of Telecommunication Facilities/Antennas To Take Effect Immediately Upon Adoption
[09-1617](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

The following individual spoke on this item:
- Sanjiv Handa

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting(s) of July 6, 2010 and Rules and Legislation Committee for July 8, 2010
A motion was made by Member Quan, seconded by Member De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

The following individual spoke on this item:
- Sanjiv Handa

[617item5](#)

[View Report.pdf](#)

6 Subject: Tracking Of Council Items
From: Office Of The City Administrator
Recommendation: Receive A Monthly Report Tracking Significant Items Passed by Council As Identified By The Council President
[09-0488-10](#)

A motion was made by Member Reid, seconded by Member De La Fuente, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

The following individual spoke on this item:
- Sanjiv Handa

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual spoke on this item:
- Sanjiv Handa
- Darryl Carey

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:02 p.m.

NOTE:

Americans With Disabilities Act

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[TDD](#)

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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