



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, February 05, 2009

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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Excused: Member Reid and Member De La Fuente

Present: Member Quan and Chair Brunner

The Oakland City Council Rules and Legislation Committee convened at 10:52 a.m., with Council President Brunner presiding as Chairperson.

The Oakland City Council Rules and Legislation Committee reconvened at 12:15 p.m., with Council President Brunner presiding as Chairperson at this time a lack of quorum was noted

1 Closed Session

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The office of the City Attorney scheduled a Closed Session for Tuesday, February 17, 2009 from 3 :30 PM to 6 PM

2 Approval of the Draft Minutes from the Committee meeting of January 22, 2009

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No Action Taken Due To Lack Of Quorum

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

3 Determination of Schedule of Outstanding Committee Items

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No Action Taken Due To Lack Of Quorum

[02-05 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of February 10, 2009 (SUPPLEMENTAL)

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No Action Taken Due To Lack Of Quorum

[02-05 Rules Item 4](#)

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S-4-1 Subject: Donald P. McCullum Youth Court - Grant
From: Oakland Police Department
Recommendation: A Request To Withdraw From The February 24, 2009 Public Safety Committee Agenda A Follow-up Report On The Spending Plan Associated Grant Funds In An Amount Not To Exceed \$500,000 From The State Of California, Corrections Standards Authority, Juvenile Accountability Block Grant (JABG) Program, Gang Intervention Grant Initiative, For The Grant Term Of January 1, 2009 Through June 30, 2009 And Funding Agreement In An Amount Not To Exceed \$150,000 With The Donald P. McCullum Youth Court For Supplemental Implementation Of The Oakland Youth Court, Interface Project, As It Pertains To Youth-Based Gang Violence Preventions And Intervention Services; With No New Date

Reason: The Police Department Did Not Receive The Grant, Therefore No Funds Are Available.

[07-1842-1](#)

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

S-4-2 Subject: Mayor's Public Safety Plan
From: Councilmember Reid
Recommendation: A Request To Withdraw From The February 10, 2009 Public Safety Committee Agenda A Report Requesting A Presentation From The Mayor's Office On The Mayor's Public Safety Plan/Model Including The Justification (e.g. Empirical Data) For The Specific Recommendations, Financial Impact, And The Implementation Status; And Reschedule To The May 12, 2009 Public Safety Committee Agenda

Reason: Staff Is Completing Research To Provide A Comprehensive Public Safety Report/Model To The Public Safety Committee.

[09-0033](#)

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

- Paulette Hogan

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S-4-3 Subject: Real Property Purchase - 905 66th Avenue
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The February 10, 2009
Community and Economic Development Committee Agenda An Agency Resolution
Authorizing The Purchase Of Real Property At 905 66th Avenue, From The
Alameda-Contra Costa Transit District For \$7,747,102 Less the Cost Of Any
Environmental Site Remediation And Authorizing Up To \$12,000 For Real Estate
Closing Costs, \$60,000 For Property Inspection Costs And \$1,000,000 For
Demolition Costs; And Reschedule To The February 24, 2009 Community And
Economic Development Committee Agenda

Reason: Council Has Requested A Closed Session Discussion Of This Item Prior
To Its Being Heard At Committee.

[09-0039](#)

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S-4-4 Subject: Rehabilitation Of Sanitary Sewers - Pacific Trenchless
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction
Contract To Pacific Trenchless, Inc. For The Rehabilitation Of Sanitary Sewers Off
Alvarado Road And Evergreen Lane (Project No. C282811) For The Amount Of
Two Hundred Fifty-Four Thousand Nine Hundred Ten Dollars (\$254,910.00)

[09-0085](#)

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S-4-5 Subject: Rehabilitation Of Sanitary Sewers - Mosto Construction
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction
Contract To Mosto Construction, Inc. For The Rehabilitation Of Sanitary Sewers In
Various Locations Off Redwood Road, Tartan Way, Crestmont Drive, Kimberlin
Heights Drive, And Elinora Avenue (Project No. C262310) For The Amount Of
Four Hundred Forty Thousand Five Hundred Twenty-Five Dollars (\$440,525.00)

[09-0086](#)

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S-4-6 Subject: Rehabilitation Of Sanitary Sewers - Andes Construction
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In An Area Bounded By Lakeside Drive, Alice Street, 20th Street And 11th Street (Project No. C59310) For The Amount Of Two Million Five Hundred Seventy Thousand And Forty-Two Dollars (\$2,570,042.00)
[09-0087](#)

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S-4-7 Subject: T.Y. Lin International - Contract Amendment No. 3
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Amendment No. 3 To The Professional Services Contract With T.Y. Lin International/Earthtech, Joint Venture For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) Increasing The Scope Of Work And The Contract Amount By Six Hundred Eighty Thousand Dollars (\$680,000.00) For A Total Contract Amount Not To Exceed One Million Nine Hundred Eighty Thousand Two Hundred Forty-Four Dollars (\$1,980,244.00); On The March 10, 2009 Public Works Committee Agenda
[09-0088](#)

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S-4-8 Subject: Affordable Housing Development Activities
From: Community and Economic Development Agency
Recommendation: Adopt Resolutions Regarding Affordable Housing Development Activities, Including Authorizing Over \$18 Million In Affordable Housing Development Loans And Appropriating Funds For The Affordable Housing Development Program; On The March 10, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The March 17, 2009 City Council Agenda
[09-0091](#)

- S-4-9 Subject: Rehabilitation Of Existing Affordable Housing
From: Community and Economic Development Agency
Recommendation: Adopt Resolutions And A City Ordinance Regarding
Rehabilitation Of Existing Affordable Housing, Including Authorizing Over \$9
Million In Loans For Existing Affordable Housing Developments And Authorizing
Certain Foreclosure Activities With Respect To The Rehabilitation Of Some Of
These Developments; On The March 10, 2009 Community And Economic
Development Committee Agenda; And As A Public Hearing On The March 17,
2009 City Council Agenda
[09-0092](#)
- S-4-10 Subject: Senate Bill 7
From: Public Works Agency
Recommendation: Adopt A Resolution To Support, If Amended, Senate Bill 7
Legislation Expanding Electric Utilities' Obligations To Purchase Electricity From
Customers Who Generate More Electricity In A Twelve-Month Period Than They
Consume
[09-0094](#)
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- S-4-11 Subject: Assembly Bill 64
From: Public Works Agency
Recommendation: Adopt A Resolution To Support, If Amended, Assembly Bill 64
Legislation Regarding Modifying Statewide Renewables Portfolio Standards,
Creating A Standard Tariff For Certain Renewable Energy Generation Projects And
Creating A Renewable Infrastructure Authority
[09-0095](#)
[View Report.pdf](#)
- S-4-12 Subject: Assembly Bills 68 And 87
From: Public Works Agency
Recommendation: Adopt A Resolution In Support Of Assembly Bill 68 (Brownley)
And Assembly Bill 87 (Davis) - Solid Waste: Single Use Carryout Bags, Which
Would Require On Or After July 1, 2010, A Store Providing Plastic Carryout Bags
To Customers To Charge Not Less Than \$0.25 Per Bag
[09-0096](#)
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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- S-4-13 Subject: Assembly Bill 87 - Analysis
From: Public Works Agency
Recommendation: Action On A Bill Analysis And Recommendation To Support
Assembly Bill 87 Alternative Legislation To Levy A Fee Against Single-Use
Disposable Carry-Out Bags In California; On The March 5, 2009 Rules And
Legislation Committee Agenda
[09-0097](#)
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
- S-4-14 Subject: Delinquent Transient Occupancy Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Transient Occupancy Taxes; On The December 15, 2009 City Council
Agenda
[09-0068](#)
- S-4-15 Subject: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage
Fees For April/May/June 2009, Monthly Accounts And July/September/October
2009, Quarterly Accounts; On The December 15, 2009 City Council Agenda
[09-0069](#)
- S-4-16 Subject: Delinquent Business Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Business Taxes; On The December 15, 2009 City Council Agenda
[09-0070](#)
- S-4-17 Subject: Delinquent Real Property Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Real Property Transfer Taxes; On The December 15, 2009 City Council
Agenda
[09-0071](#)

- S-4-18 Subject: Delinquent Transient Occupancy Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Transient Occupancy Taxes; On The September 15, 2009 City Council
Agenda
[09-0072](#)
- S-4-19 Subject: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage
Fees For January/ February/March 2009, Monthly Accounts and April/May/June
2009, Quarterly Accounts; On The September 15, 2009 City Council Agenda
[09-0073](#)
- S-4-20 Subject: Delinquent Business Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Business Taxes; On The September 15, 2009 City Council Agenda
[09-0074](#)
- S-4-21 Subject: Delinquent Real Property Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Real Property Transfer Taxes; On The September 15, 2009 City Council
Agenda
[09-0075](#)
- S-4-22 Subject: Delinquent Transient Occupancy Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For
Delinquent Transient Occupancy Taxes; On The June 16, 2009 City Council Agenda
[09-0076](#)

- S-4-23 Subject: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For October/ November/December 2008, Monthly Accounts and January/February/March 2009, Quarterly Accounts; On The June 16, 2009 City Council Agenda
[09-0077](#)
- S-4-24 Subject: Delinquent Business Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes; On The June 16, 2009 City Council Agenda
[09-0078](#)
- S-4-25 Subject: Delinquent Real Property Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes; On The June 16, 2009 City Council Agenda
[09-0079](#)
- S-4-26 Subject: Delinquent Transient Occupancy Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes; On The March 17, 2009 City Council Agenda
[09-0080](#)
- S-4-27 Subject: Delinquent Mandatory Garbage Fees - Public Hearing
From: Finance and Management Agency
Recommendations: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For July/August/September 2008, Monthly Accounts And October/November/December 2008, Quarterly Accounts; On The March 17, 2009 City Council Agenda
[09-0081](#)

- S-4-28 Subject: Delinquent Business Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes; On The March 17, 2009 City Council Agenda
[09-0082](#)
- S-4-29 Subject: Delinquent Real Property Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes; On The March 17, 2009 City Council Agenda
[09-0083](#)
- S-4-30 Subject: Cash Management Report
From: Finance And Management Agency
Recommendation: Receive The Cash Management Report For The Quarter Ended December 31, 2008
[09-0084](#)
[View Report.pdf](#)
- S-4-31 Subject: Spousal Retirement Benefits - Ballot Measure
From: Police and Fire Retirement Board
Recommendation: Adopt A Resolution Submitting, On The Oakland City Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing All Widows And Widowers Who Remarry To Receive Spousal Retirement Benefits" To Be Submitted To The Electors At The Election Of June 2, 2009; Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities; On The March 3, 2009 City Council Agenda
[09-0089](#)
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
- Paulette Hogan

S-4-32 Subject: Retirement Benefits Funding - Ballot Measure
 From: Police and Fire Retirement Board
 Recommendation: Adopt A Resolution Submitting On The City Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Extending The City Of Oakland's Deadline To Fund Retirement Benefits For All Members Of The Police And Fire Retirement System And Their Beneficiaries Beyond July 1, 2026 " To Be Submitted To The Electors At The Election Of June 2, 2009; Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities; On The March 3, 2009 City Council Agenda
[09-0090](#)
The following individual(s) spoke and did not indicate a position on this item:
 - Sanjiv Handa

S-4-33 Subject: Real Property Transfer Tax - Ballot Measure
 From: Finance and Management Agency
 Recommendation: Adopt A Resolution Submitting, To The Voters At The June 2, 2009 Special Election A Proposed Ordinance Amending The Real Property Transfer Tax, Chapter 4.20 Of The Oakland Municipal Code, To Clarify Application Of The Tax To Transfers Of Real Estate Resulting From Changes In The Ownership And Control Of Corporations And Other Legal Entities Without Increasing The Tax Rate; To Remove The Current Requirement Of Conformity To Statewide Rules; To Add A Definition Of "Person" To The Tax; Requesting The Services Of The Registrar Of Voters; And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election.
[09-0093](#)
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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

These items were taken out of order while the quorum of the Committee was present

Subject: City's Hotel Tax (Transient Occupancy Tax) - Ballot Measure
 From: Councilmember Jean Quan
 Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Proposed Ordinance Amending The Oakland Municipal Code In Order To Provide For A Two Percent Surcharge To The City's Transient Occupancy Tax (Hotel Tax) To Support The Oakland Zoo, The Oakland Museum of California, Chabot Space And Science Center And The Cultural Arts Programs And Festivals
[09-0102](#)

Scheduled to *Finance & Management Committee on 2/24/2009
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Subject: Repeal Charter Section 1300 On Kids First - Ballot Measure
From: Councilmembers Jean Quan and Patricia Kernighan
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At A June 2, 2009 Special Election, A Measure To Repeal Charter Section 1300 On Kids First! Oakland Fund For Children And Youth Adopted By The Voters On November 4, 2008 (Measure OO) And Readopt Charter Section 1300 On Oakland Fund For Children And Youth Adopted By The Voters On November 7, 1996 (Measure K) As Amended And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With A June 2, 2009 Special Election
[09-0103](#)

Scheduled to *Finance & Management Committee on 2/24/2009

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Subject: 2009 Lighting, Parks, Trees, Heath and Safety Emergency - Ballot Measure
From: Councilmember Quan
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The Next Municipal Special Election, A Proposed Ordinance Creating The 2009 Lighting, Parks And Trees Emergency Health And Safety Measure And Parcel Tax; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Municipal Special Election
[09-0104](#)

Scheduled to *Finance & Management Committee on 2/24/2009

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- 5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of February 17, 2009 and the Rules and Legislation Committee for the meeting of February 19, 2009
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The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

[02-05 Rules Item 5](#)

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) spoke under Open Forum:
- Sanjiv Handa
- Paulette Hogan

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:50 p.m.

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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