



City of Oakland Meeting Agenda

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, March 19, 2009

10:45 AM

City Council Chambers - 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call to Order

COMMITTEE MEMBERSHIP: Jean Quan, District 4; Vice Mayor Ignacio De La Fuente, District 5; Larry Reid, District 7; and Chairperson Jane Brunner, District 1

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meetings of February 26, 2009 and March 5, 2009
- 3 Determination of Schedule of Outstanding Committee Items
(03-19 Rules Pending)
- 4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of March 24, 2009 (SUPPLEMENTAL)
(03-19 Rules Item 4)

- S-4-1 Subject: National Urban Search & Rescue - Memorandums Of Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Memorandums Of Agreement Regarding Participation In The National Urban Search & Rescue Response System With 1) The U.S. Department Of Homeland Security Acting Through The Federal Emergency Management Agency And The State Of California, And 2) Other Agencies And Personnel In Participating And Affiliated Relationships; On The May 12, 2009 Public Safety Committee Agenda
[\(09-0218\)](#)
- S-4-2 Subject: Urban Search And Rescue Team Training
From: Oakland Fire Department
REcommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate A Grant From The Federal Emergency Management Agency (FEMA) For The Period May 01, 2009 To August 31, 2010 In The Amount Of One Million One Thousand Nine Hundred Ten Dollars (\$1,001,910) To Meet Continuing Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (USAR) Team; On The April 28, 2009 Public Safety Committee Agenda
[\(09-0219\)](#)
- S-4-3 Subject: Arson Awareness Week
From: Oakland Fire Department
Recommendation: Adopt A Resolution Proclaiming May 3 - 9, 2009 As "Arson Awareness Week" In The City Of Oakland; On The April 21, 2009 City Council Agenda
[\(09-0220\)](#)

S-4-4 Subject: COPS Grant For New Officers
From: Oakland Police Department
Recommendation: A Request To Withdraw From The April 28, 2009 Public Safety Committee Agenda A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Apply, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Fifty-Two Million, Seven Hundred And Twenty-Five Thousand Dollars (\$52,725,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS), COPS Hiring Recovery Program (CHRP), To Supplement The Salary And Fringe Benefits Costs Of One Hundred (100) Newly Hired Police Officers For A Thirty-Six Month Period, And 2) Authorizing An Increase In The Authorized Sworn Strength At The Police Department By One Hundred (100), From Eight Hundred And Three (803) To Nine Hundred And Three (903) Full-Time Equivalents, And Appropriate Said Funds To The Police Department; And Reschedule To The April 7, 2009 Public Safety Committee Agenda With The Following New Title:

Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Apply, Accept, And Appropriate Grant Funds In An Amount Not To Exceed Fifty-Nine Million Nine Hundred And Fifteen Thousand Three Hundred And Fifty-Five Dollars (\$59,915,355) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS), COPS Hiring Recovery Program (CHRP), To Supplement The Salary And Fringe Benefit Costs Of One Hundred (100) Newly Hired And/Or Unbudgeted Police Officers For A Thirty-Six Month Period, And Appropriate Said Funds To The Police Department

Reason: The application period is shorter than anticipated, an additional \$7,190,355 in funds is being requested.

[\(09-0180\)](#)

S-4-5 Subject: 2008-2009 Measure Y Community Policing Evaluation
From: Office of the City Administrator
Recommendation: Receive The Measure Y Community Policing Evaluation Report, From The Rand Corporation, Entitled: "Community Policing And Crime. The Process And Impact Of Problem-Solving In Oakland."; On The April 7, 2009 Public Safety Committee Agenda

[\(09-0216\)](#)

S-4-6 Subject: Dawit Mabrahtu - Appeal
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing On Dawit Mebrahtu's Appeal Of The Administrative Hearing Officer's Denial Of His Application For A Cabaret Permit; On The April 21, 2009 City Council Agenda

[\(09-0225\)](#)

- S-4-7 Subject: Budget Changes
 From: The Budget Office
 Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Authorizing A Balancing Proposal To Address The Fiscal Year 2008-2009 Projected \$8.22 Million Deficit In The General Purpose Fund; And
 [\(09-0226\)](#)
- 2) An Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), As Amended, To Establish, Modify, And Delete Fees Assessed By The Office Of Parks And Recreation; On The March 31, 2009 City Council Agenda
 [\(09-0226-1\)](#)
- S-4-8 Subject: Second Quarter Measure Y Evaluation
 From: Office of the City Administrator
 Recommendation: Receive The Measure Y Evaluation, Second Quarter Report, Fiscal Year 2008-2009, October 7, 2008 - January 10, 2009, From Resource Development Associates; On The April 7, 2009 Public Safety Committee Agenda
 [\(09-0233\)](#)
- S-4-9 Subject: Public Works Agency Performance Audit
 From: Office of the City Auditor
 Recommendation: Receive The Performance Audit Of The Public Works Agency; On The April 28, 2009 Public Works Committee Agenda
 [\(09-0230\)](#)
- S-4-10 Subject: Ambassadors Program Implementation
 From: Council President Brunner and Councilmember Kaplan
 Recommendation: Receive A Report And Recommendation On The Implementation Of The Oakland Ambassador Program; On The April 7, 2009 Community And Economic Development Committee Agenda
 [\(09-0060\)](#)
- S-4-11 Subject: Travel Authorization - Councilmember Kaplan
 From: Councilmember Kaplan
 Recommendation: Adopt A Resolution Authorizing Councilmember Rebecca Kaplan To Travel To Portland, Oregon To Attend The National League Of Cities Green Cities Conference And Expo April 18-21, 2009; On The March 31, 2009 City Council Agenda
 [\(09-0197\)](#)

- S-4-12 Subject: Performance Measures And Budget Priorities
From: Vice Mayor Ignacio De La Fuente
Recommendation: Receive An Informational Report From The Community and Economic Development Agency To Facilitate Discussion On Performance Measures And Budget Priorities For Fiscal Years 2009-2011; On The April 7, 2009 Community And Economic Development Committee Agenda
[\(09-0204\)](#)
- S-4-13 Subject: S-4 Design Review Combining Zone
From: Vice Mayor Ignacio De La Fuente
Recommendation: Adopt An Interim Ordinance Amending The Zoning Maps For Two Years, Applying The S-4 Design Review Combining Zone, Which Requires New Or Rehabilitated Non-Residential Facilities To Follow Established Design Review Procedures, To The M-40 Zone In The Central Estuary Plan Area, Approximately Between 14th Avenue And 54th Avenue And From Interstate 880 To The Estuary; On The May 12, 2009 Community And Economic Development Committee Agenda
[\(09-0205\)](#)
- S-4-14 Subject: Status Report On The Car Dealerships In Oakland
From: Councilmember Larry Reid
Recommendation: Action On A Report On The Status Of Car Dealerships In Oakland, Current Revenue Taxes (Dollar Amount) That Are Generated By Auto Dealers In Oakland, Loss Revenue And Anticipated Loss Revenue Due To The Closures Of Dealerships From Broadway Auto Row And Other Dealerships, And Future Plans For Retention Of Auto Dealers In Oakland; As Soon As Possible On The Community And Economic Development Committee Agenda
[\(09-0207\)](#)
- S-4-15 Subject: Zoning Approvals
From: Council President Brunner & Councilmember Kernighan
Recommendation: Adopt An Ordinance To Create An Interim Zoning Rule Allowing The Planning Director Discretion To Issue Zoning Approvals Without A Conditional Use Permit For Ground Floor Retail Businesses Under 10,000 Square Feet In The Central Business District; On The May 12, 2009 Community And Economic Development Committee Agenda
[\(09-0228\)](#)
- S-4-16 Subject: Cypress Mandela Training Center - Pay-Go Grant
From: Council President Jane Brunner
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000.00 From Councilmember Jane Brunner's Pay-Go Funds To The Cypress Mandela Training Center To Be Used For The Purchase Of Tools And Equipment For The Green Jobs For Youth Training Program; On The March 31, 2009 City Council Agenda
[\(09-0229\)](#)

- S-4-17 Subject: Oakland East Bay Symphony - Recognition
From: Councilmember Nadel
Recommendation: Adopt A Resolution In Celebration Of Oakland East Bay Symphony's 20th Anniversary As A Regional Orchestra Serving The Diverse Population Of The East Bay, Its Unique Convergence Of Artistic Excellence And Community Service, And Its Prominence As A Leading Cultural Institution In Oakland, And Declaring May 15, 2009 As "Oakland East Bay Symphony Day" In The City Of Oakland; On The April 21, 2009 City Council Agenda
[\(09-0231\)](#)
- S-4-18 Subject: Cannabis Business Class Tax Rate
From: Councilmembers Nadel & Kaplan
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The Next Special Municipal Election On July 21, 2009, A Proposed Ordinance Modifying The Business Tax, Chapter 5.04 Of The Oakland Municipal Code, Adding Section 5.04.480 Creating A New "Cannabis" Business Class With A Business Tax Rate Of One and One-Fifth Percent (1.2%) Of Gross Receipts; On The April 7, 2009 Finance And Management Committee Meeting
[\(09-0232\)](#)
- S-4-19 Subject: 2009 Summer Food Service Program
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Summer Food Service Program Grant From The California Department Of Education Nutrition Services Division In An Estimated Amount Of \$500,000 And To Execute A Professional Services Agreement In An Amount Not To Exceed \$250,000 To Provide Food Services For The 2009 Summer Food Service Program For Children; On The April 28, 2009 Life Enrichment Committee Agenda
[\(09-0221\)](#)
- S-4-20 Subject: Oakland Fund For Children & Youth - Evaluation Services Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement For Evaluation Services For The Oakland Fund For Children And Youth For Fiscal Year 2009-2010 In An Amount Not To Exceed \$350,000; On The May 26, 2009 Life Enrichment Committee Agenda
[\(09-0222\)](#)

- S-4-21 Subject: Oakland Bay Trail Gap Closure Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Accept And Appropriate One Hundred And Twenty Five Thousand Dollars (\$125,000.00) In 2008-2009 Transportation Fund For Clean Air Grant Funds For The Oakland Bay Trail Gap Closure Project (Fruitvale Bridge To Park Street Bridge); On The April 7, 2009 Public Works Committee Agenda
[\(09-0208\)](#)
- S-4-22 Subject: Cryer Site Segment - Oakland Waterfront Bay Trail
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract To McGuire & Hester For The Cryer Site Segment Of The Oakland Waterfront Bay Trail (C243010) In The Amount Of One Million Seven Hundred Thirty-Five Thousand Six Hundred Eighty Dollars (\$1,735,680.00) And To Authorize The City Administrator, Or The City Administrator's Designee, To Allocate Measure DD, Series A And Series B Funds, As The City Administrator Deems Necessary And Appropriate For Funding And The Timely Completion Of Specific Measure DD Projects In Accordance With Measure DD; On The April 7, 2009 Public Works Committee Agenda
[\(09-0209\)](#)
- S-4-23 Subject: Willie Wilkins Park Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To The Lowest Responsive, Responsible Bidder, Rosas Brothers Construction, For The Willie Wilkins Park Improvement Project (City Project No. C352920) In An Amount Not-To-Exceed One Hundred Seventy-Eight Thousand Five Hundred Dollars (\$178,500.00); On The April 28, 2009 Public Works Committee Agenda
[\(09-0210\)](#)
- S-4-24 Subject: Rebuilding Oakland Together Grant
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$50,000 Grant From West Oakland Redevelopment Project Area Low And Moderate Income Housing Fund To Rebuilding Together Oakland To Rehabilitate Houses And/Or Facilities For Low-Income Seniors And/Or Disabled Persons Within The Project Area; On The April 7, 2009 Community And Economic Development Committee Agenda
[\(09-0211\)](#)

- S-4-25 Subject: On Call Survey And Evaluation Services
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The Agency Administrator To Negotiate And Execute A Professional Services Agreement For Fiscal Year 2008-2010 In An Amount Not To Exceed \$50,000 For On Call Survey And Evaluation Services; On The April 7, 2009 Community And Economic Development Committee Agenda
[\(09-0212\)](#)
- S-4-26 Subject: Neighborhood Stabilization Program Contracts
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Negotiate And Execute Agreements With Contractors Recommended To Participate In The Neighborhood Stabilization Program (NSP); 2) Authorizing The City Administrator To Apply For And Accept Additional NSP Funds From The American Recovery And Reinvestment Act Of 2009 From The U.S. Department Of Housing And Urban Development (HUD) And The State Of California; On The April 21, 2009 City Council Agenda

Reason: The City Council's Action To Direct A Competitive RFP/RFQ Process (Resolution 81679 C.M.S., November 18, 2008) Asked That The Resulting Proposed Contract Awards Return Directly To Council For Approval.
[\(09-0213\)](#)
- S-4-27 Subject: 2008-2009 Consolidated Action Plan Amendment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Amend The Consolidated Plan Annual Action Plan For Housing And Community Development For Fiscal Year 2008-2009 To The U.S. Department Of Housing And Urban Development; 2) Authorizing The City Administrator To Accept And Appropriate Funds Totaling \$2,259,921 For The Community Development Block Grant Program From The American Recovery And Reinvestment Act Of 2009 And 3) Authorizing The City Administrator To Negotiate And Execute Agreements With Contractors For Fiscal Years 2009-2011 For The Community Development Block Grant; On The April 28, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The May 5, 2009 City Council Agenda
[\(09-0214\)](#)

- S-4-28 Subject: 2009-2010 Consolidated Plan Annual Action Plan
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Prepare And Submit The Consolidated Plan Annual Action Plan For Housing And Community Development For Fiscal Year 2009-2010 To The U.S. Department Of Housing And Urban Development, 2) Accepting And Appropriating Funds Totaling \$16,456,907 For The Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant And Housing Opportunities For Persons With AIDS Programs, 3) Appropriating \$670,480 In Program Income And Any Amounts In Excess Thereof For Housing Rehabilitation Revolving Loan Fund, And 4) Authorizing The City Administrator To Negotiate And Execute Agreements With Contractors For Fiscal Years 2009-2011 For The Community Development Block Grant; On The April 28, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The May 5, 2009 City Council Agenda
[\(09-0215\)](#)
- S-4-29 Subject: Chapter 4.16 The Parking Tax - Municipal Code Amendment
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Chapter 4.16 Of The Oakland Municipal Code, The Parking Tax, To Exempt Large Diesel Truck Parking In Designated Parking Stations; On The April 28, 2009 Finance And Management Committee Agenda
[\(09-0206\)](#)
- S-4-30 Subject: Salary Ordinance Amendment - Construction Coordinator
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. (The Salary Ordinance) To Add The Permanent Full-Time Equivalent Classification Construction Coordinator; On The April 7, 2009 Finance And Management Committee Agenda
[\(09-0217\)](#)
- S-4-31 Subject: Parking Violation Fine Increase
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Section 10.48.010 Of The Oakland Municipal Code (O.M.C.) To Increase All Parking Violation Fines By \$8.00 And Adding \$8.00 To All California Vehicle Code (C.V.C.) Violation Citations To Collect And Remit Surcharges Imposed By The State; On The April 7, 2009 Finance And Management Committee Agenda
[\(09-0223\)](#)

- S-4-32 Subject: Sewer Reassessment Amendments
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Of The City Council Of The City Of Oakland Authorizing
The Ordering Of The Making Of Amended Reassessments Pursuant To Part
10 Of Division 10 Of The Streets And Highways Code And Directing
Actions With Respect Thereto Reassessment District No 99-1;
[\(09-0224\)](#)
- 2) A Resolution Of The City Council Of The City Of Oakland Preliminarily Approving
Amended Reassessments, Ordering The Public Hearing And Directing Actions With
Respect Thereto Reassessment District No 99-1;
[\(09-0224-1\)](#)
- 3) Resolution Of The City Council Of The City Of Oakland Confirming The Amended
Assessments And Directing Actions With Respect Thereto Reassessment District No
99-1;
[\(09-0224-2\)](#)
- 4) A Resolution Of The City Council Of The City Of Oakland Authorizing The Ordering
Of The Making Of Amended Reassessments Pursuant To Part 10 Of Division 10 Of The
Streets And Highways Code And Directing Actions With Respect Thereto Skyline Sewer
Assessment District;
[\(09-0224-3\)](#)
- 5) A Resolution Of The City Council Of The City Of Oakland Preliminarily Approving
Amended Reassessments, Ordering The Public Hearing And Directing Actions With
Respect Thereto Skyline Sewer Assessment District; And
[\(09-0224-4\)](#)
- 6) A Resolution Of The City Council Of The City Of Oakland Confirming The Amended
Assessments And Directing Actions With Respect Thereto Skyline Sewer Assessments;
On The April 7, 2009 Finance And Management Committee Agenda; And As A Public
Hearing On The April 21, 2009 City Council Agenda
[\(09-0224-5\)](#)

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the
meeting of March 31, 2009 and the Rules and Legislation Committee for the meeting of
April 2, 2009
[\(03-19 Rules Item 5\)](#)

6 Subject: Boards And Commissions Report
From: Council President Jane Brunner
Recommendation: Receive A Status Report And List Of Vacancies On All City Of
Oakland Boards And Commissions, Along With The Date Vacated
[\(09-0062\)](#)

**This item was continued from the March 5, 2009 Rules and Legislation
Committee meeting**

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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.

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[\(TDD\)](#)

MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

* 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.

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item