



# City of Oakland Meeting Minutes

## \*Rules & Legislation 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>**

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**Thursday, September 13, 2012**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

*The Oakland City Council Rules and Legislation Committee convened at 10:56 a.m. , with Council President Reid presiding as Chairperson.*

### COMMITTEE MEMBERSHIP:

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

1 Determinations of Closed Session

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

*At this time a Closed Session was scheduled for September 18, 2012 from 3 pm - 5:30 pm.*

2 Approval of the Draft Minutes from the Committee meeting of June 28, 2012

3 Determination of Schedule of Outstanding Committee Items

**A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

4 Scheduling of Agenda Items and revisions to previously distributed Agendas(SUPPLEMENTAL)

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

S-4.1      Subject:    SAFER Grant  
From:        Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The Federal Emergency Management Agency (FEMA) To Accept, Appropriate, And Administer Grant Funds In The Amount Of Three Hundred Seven Thousand Two Hundred Twenty Four Dollars (\$307,224) From The Federal Emergency Management Agency Staffing For Adequate Fire Emergency Response Grant Program (SAFER) To The Oakland Fire Department To Fund One Firefighter For The Period Of July 31, 2011 Through July 30, 2013  
[12-0037](#)

**Scheduled to \*Public Safety Committee on 9/25/2012**

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[84052 C.M.S.pdf](#)

S-4.2      Subject:    Red Light Camera Enforcement System  
From:        Oakland Police Department  
Recommendation: A Request To Re-Title An Item And Schedule It To The September 25, 2012 Public Safety Committee Agenda

[NEW TITLE] Adopt A Resolution Authorizing The City Administrator To: (1) Extend The Contract Between The City Of Oakland And Redflex Traffic System Inc. ("Redflex") For Three Additional Years From September 2012 To September 2015 To Continue The Red Light Camera Enforcement Program Which Allows The City To Improve Traffic Safety By Enforcing Red Light Violations; (2) Increase The Contract Amount Of \$4,320,000 By An Additional \$2,164,500 For A Total Contract Amount Not To Exceed \$6,484,500

[OLD TITLE] Adopt A Resolution Authorizing The City Administrator To (1) Approve The Further Extension Of The August 31, 2007 Contract Between The City Of Oakland ("City") And Redflex Traffic System Inc. ("Redflex") Authorized By Resolution 80789, ("Agreement") As Amended By Amendment No. 1 (August 24, 2011) And Amendment No. 2 (March 15, 2012) For The Lease, Expansion And Maintenance Of The Red Light Camera Enforcement System ("RLCES") Installed By Redflex Under The Agreement Throughout The City And For Additional Program Services For A Period Of Thirty Six (36) Months In An Amount Not To Exceed Two Million One Hundred Sixty Four Thousand Five Hundred Dollars (\$2,164,500) (The "Agreement Cap"), And (2) Appropriate All Revenues Generated By The Red Light Camera Enforcement System To The General Fund (1010) Police Department Traffic Operations Organization (107510), Program (PS14), Project P328920, And (3) Funds In Excess Of Those Used To Pay Contract Costs And All Administrative Costs Associated With The RLCES Shall Be Transferred Into Traffic Safety Fund (2416), Police Department Traffic Operations Organization (107510), Program (PS14), Project P328920  
[12-0003](#)

**Scheduled to \*Public Safety Committee on 9/25/2012**

*At this time a request for a New Title was approved as submitted.*

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S-4.3      Subject:    Shotspotter, Inc., Detection System  
From:        Oakland Police Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Agreement With Shotspotter, Inc. For The Period Of September 1, 2012 Through August 31, 2013 In An Amount Not To Exceed Three-Hundred And Forty-Eight Thousand Dollars (\$348,000) For An Expansion In Service Area Coverage Of The Shotspotter Gunshot Detection System; And 2) Waiving The Competitive Request For Proposals/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Proposed Professional Services Agreement With Shotspotter, Inc.  
[12-0032](#)

**Scheduled to \*Public Safety Committee on 9/25/2012**

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- [84058 C.M.S.pdf](#)

S-4.4      Subject:    Secondhand Jewelry Regulations  
From:        Office Of The City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.46 To Establish New Regulations For Secondhand Jewelry Dealers In The Following Areas: (1) Permitting; (2) Operating Standards; And (3) Regulatory Enforcement Actions; And  
[12-0038](#)

**Scheduled to \*Public Safety Committee on 9/25/2012**

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- [13136 C.M.S..pdf](#)

2) An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Businesses Conducting Activities As Secondhand Jewelry Dealers, Secondhand Dealers, And Exchange Dealers Pursuant To Oakland Municipal Code Chapter 5.46  
[12-0038-1](#)

- [13137 CMS.pdf](#)

S-4.5      Subject:    Municipal Identification Agreement  
 From:        Office Of The City Administrator  
 Recommendation: A Request To Re-Title An Item Previously Scheduled To The September 25, 2012 Finance And Management Committee Agenda

Adopt The Following Pieces Of Legislation:

1) A City Resolution Authorizing The City Administrator To Execute A Licensing Agreement With SF Global To Provide Official City Of Oakland Municipal Identification And Debit Cards To Oakland Residents; And  
[12-0039](#)

**Scheduled to \*Finance & Management Committee on 9/25/2012**

*A request was submitted on the dais which contains new titles for the legislation.*

*A request that forthcoming report contains rent rates that other tenants are paying.*

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- [84056 C.M.S.pdf](#)

3) An Ordinance, Amending Ordinance No. 12079, Authorizing The City Administrator To Negotiate And Execute A Lease In The Dalziel Building For The Implementation Of The Municipal Identification And Debit Card Program At A Reduced Monthly Rent  
[12-0039-1](#)

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2) An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Establish A Municipal Identification Application Fee For Identifications Issued Pursuant To Chapter 2.34  
[12-0039-2](#)

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- [13135 C.M.S..pdf](#)

S-4.6      Subject:    Fourth Quarter Revenue And Expenditure Results  
 From:        Office Of The City Administrator  
 Recommendation: Receive A Report On Fiscal Year 2011-2012 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds; On The September 25, 2012 Finance And Management Committee Agenda  
[12-0040](#)

**No Action Taken**

*The City Administrator's office requested this item be withdrawn at this time.*

S-4.7      Subject:    Building Services Management Review  
From:        Office Of the City Administrator  
Recommendation: Receive An Informational Report Regarding Building Services Management Review  
[12-0041](#)

**Scheduled to \*Community & Economic Development Committee on 9/25/2012**  
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S-4.8      Subject:    Ratifying Action Of Council Recess  
From:        Office Of The City Administrator  
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2012 Annual Recess In Conformance With The Council's Rules Of Procedure Codified In Resolution No. 82580 C.M.S., Passed March 9, 2010  
[12-0048](#)

**Scheduled to Meeting of the Oakland City Council on 10/2/2012**  
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[84053 C.M.S.pdf](#)

S-4.9      Subject:    Annual CAPER Report  
From:        Department Of Housing And Community Development  
Recommendation: Receive The Consolidated Annual Performance And Evaluation Report (CAPER) For Fiscal Years 2010-2011, As Required By The Department Of Housing And Urban Development (HUD)  
[12-0031](#)

**Scheduled to \*Community & Economic Development Committee on 9/25/2012**  
*And as a Public Hearing on the October 2, 2012 City Council Agenda.*  
[View Report.pdf](#)

S-4.10     Subject:    Building Services Operations Report  
From:        Department Of Planning And Building  
Recommendation: Receive A Report And Approve Recommendations Regarding Actions Taken By The City Of Oakland To Improve Its Code Enforcement Operations In Response To The Alameda County Grand Jury Recommendations On Building Services  
[12-0042](#)

**Scheduled to \*Community & Economic Development Committee on 9/25/2012**  
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S-4.11      Subject:    Pilot Lien Program  
From:        Department Of Planning And Building  
Recommendation: Adopt A Resolution Approving The Potential Removal Of Liens On 75  
Properties To Facilitate The Sale Of These Properties In The Alameda County Auction  
Program  
[12-0043](#)

**Scheduled to \*Community & Economic Development Committee on  
9/25/2012**

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S-4.12      Subject:    Local Housing Trust Fund Program  
From:        Department Of Housing And Community Development  
Recommendation: Adopt A Resolution Amending Resolution Nos. 81782 C.M.S. And  
2009-0006 C.M.S., Under Which The City And Redevelopment Agency Accepted Up To  
\$2,000,000 From The California Department Of Housing And Community Development's  
Local Housing Trust Fund Program, To Modify The Relative Portions Of The Required City  
Matching Funds Coming From The First Time Homebuyer Program And The Affordable  
Rental And Ownership Development Program  
[12-0050](#)

**Scheduled to \*Community & Economic Development Committee on  
9/25/2012**

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S-4.13      Subject:    PEG Distribution  
From:        Department Of Information Technology  
Recommendation: Adopt A Resolution (1) Appropriating \$ 1.6 Million For Fiscal Years  
2008-2009 And 2009-2010, And Approximately \$3.5 Million Total Estimated For Fiscal Years  
2012-2013 Through 2016-2017, From Funds Paid By Cable And Video Franchise Holders  
Comcast And AT&T, ("PEG Funds"), For The Capital Expenses Of Public, Education, And  
Government ("PEG") Cable Television Channels Operating In The City Of Oakland; (2)  
Authorizing Apportionment Of Equal Shares Of The PEG Funds To PEG Channels Of The City  
Of Oakland ("KTOP"), Of The Oakland Unified School District ("KDOL"), And Of The  
Peralta Community College ("Peralta TV") For Their PEG Channel Cable And Video  
Television Facilities, Subject To Equal Reapportionment In Fiscal Years When There Are  
Fewer Or More PEG Channels Operating In Oakland; And (3) Authorizing The City  
Administrator To Execute Memoranda Of Understanding To Effectuate The Distribution Of  
Said Funds  
[12-0036](#)

**Scheduled to \*Finance & Management Committee on 9/25/2012**

*At this time there was a request that report contains the alternative option.*

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[84050 C.M.S.pdf](#)

S-4.14      Subject:     Ray's Electrical Contract  
                 From:         Public Works Agency  
                 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsible And Responsive Bidder, For Countdown PED Heads (Project No. C316230) Under 2007-2009 Highway Safety Improvement Program (HSIP) Cycle 2 In Accordance With Project Plans, Specifications, Federal Requirements, And Contractor's Bid In The Amount Of Forty Five Thousand Three Hundred And Ninety Dollars (\$45,390.00);  
And  
[12-0033](#)

**Scheduled to \*Public Works Committee on 9/25/2012**

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2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsible And Responsive Bidder, For Left Turn Phasing (Project No. C316220) Under 2007-2009 Highway Safety Improvement Program (HSIP) Cycle 2 In Accordance With Project Plans, Specifications, Federal Requirements, And Contractor's Bid In The Amount Of Two Hundred Thirty Nine Thousand And Twenty Seven Dollars (\$239,027.00)  
[12-0033-1](#)

[84048 C.M.S.pdf](#)

S-4.15      Subject:     Andes Construction, Inc., Contract  
                 From:         Public Works Agency  
                 Recommendation: Adopt A Resolution: Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, Coolidge Avenue, Coolidge Terrace And Laguna Avenue (Sub-Basin 80-113 - Project No. C312410) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Million Nine Hundred Seventy-Five Thousand Dollars (\$2,975,000.00)  
[12-0035](#)

**Scheduled to \*Public Works Committee on 9/25/2012**

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S-4.16      Subject:     R3 Consulting Group Agreement Amendment  
                 From:         Public Works Agency  
                 Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend An Agreement With R3 Consulting Group To Provide Zero Waste System Technical Assistance Services Increasing The Amount Not To Exceed By Six Hundred Thousand Dollars (\$600,000.00) For A Total Contract Amount Not To Exceed One Million One Hundred Thousand Dollars (\$1,100,000.00) And Waiving The Advertising And Competitive Request For Proposal/Qualification Requirements  
[12-0034](#)

**Scheduled to \*Public Works Committee on 9/25/2012**

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S-4.17 Subject: Cannabis Dispensary Closed Session Report  
From: President Pro Tem Ignacio De La Fuente  
Recommendation: A Request To Schedule A Closed Session Report From The City Attorney On The Matter Of The Federal Crackdown On Our Local Cannabis Dispensaries, Including Options For Local Interventions Such As Filing A Motion To Intervene, File An Amicus Brief, File A Claim Or Other Possible Action That Can Be Taken By The City; On The September 18, 2012 Closed Session Agenda  
[12-0051](#)

**Scheduled to Closed Session on 9/18/2012**

*At this time it was noted that the City Attorney's office will possibly provide a new title.*

S-4.18 Subject: Hydraulic Fracturing Moratorium  
From: Vice Mayor Nancy Nadel  
Recommendation: Adopt A Resolution Requesting The Governor And The State Of California's Division Of Oil, Gas And Geothermal Resources ("DOGGR") To Move Swiftly To Place A Moratorium On Hydraulic Fracturing And On The Disposal Of Fracking Wastewater By Injection Wells Until The DOGGR, In Conjunction With State And Local Authorities, Makes A Determination That Such Processes Are Safe For Public Health, For The State's Water Supply, And For The Environment  
[12-0045](#)

**Scheduled to \*Rules & Legislation Committee on 10/11/2012**

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S-4.19 Subject: Port Of Oakland Budget Report  
From: Vice Mayor Nancy Nadel  
Recommendation: Receive A Report And Approve Recommendations On The Port Of Oakland's Budget And Disposition Of Any Surplus; On The October 23, 2012 Finance And Management Committee Agenda  
[12-0046](#)

*This item will come back to the September 20, 2012 Rules and Legislation Committee.*

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S-4.20 Subject: Honoring Darlene Joe Lee  
From: Councilmember Kernighan  
Recommendation: A Request To Withdraw An Item Previously Scheduled To the September 18, 2012 City Council Agenda  
Adopt A Resolution Honoring Darlene Joe Lee On Thirty-One Years Of Dedicated And Distinguished Service To The City Of Oakland's Office Of Parks & Recreation  
[12-0025](#)

**\*Withdrawn with No New Date**

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S-4.21      Subject:    International City Of Peace Declaration  
From:        Vice Mayor Nadel and Councilmember Kaplan  
Recommendation: Adopt A Resolution Declaring Oakland As An International City Of Peace,  
And September 21, 2012 As Oakland's International Day Of Peace  
[12-0047](#)

**Scheduled to Meeting of the Oakland City Council on 9/18/2012**

*As a Ceremonial Item*

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[rules091312item4](#)

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**Items Submitted on the Dais**

Subject:    Municipal Identification Agreement  
From:        Office Of The City Administrator  
Recommendation: A Request To Re-Title An Item Previously Scheduled To The September  
25, 2012 Finance And Management Committee Agenda

Adopt The Following Pieces Of Legislation:

1) A City Resolution Authorizing The City Administrator To Execute A Licensing Agreement  
With SF Global To Provide Official City Of Oakland Municipal Identification And Debit Cards  
To Oakland Residents; And

[12-0039](#)

**Scheduled to \*Finance & Management Committee on 9/25/2012**

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[84056 C.M.S.pdf](#)

Subject:    Community Development Block Grant District Boards  
From:        Department Of Housing And Community Development  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution  
Authorizing The City Administrator To Restructure The Community Development Block Grant  
District Boards; And Rescinding Any Inconsistent Provisions Of Resolutions No. 76276 And  
78102

[12-0030](#)

**Scheduled to \*Community & Economic Development Committee on  
9/25/2012**

*and as a public hearing on the October 2, 2012 City Council Agenda*

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- 5 A review of the Council Committees' actions from September 11, 2012 and determination of scheduling to the City Council meeting of September 18, 2012 or future dates (MATRIX)  
**A motion was made by President Pro Tempore De La Fuente, seconded by Member Brooks, to \*Approve as Submitted. The motion carried by the following vote:**  
**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

[rules091312item5](#)  
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- 6 A review of the Draft Agendas for the Council's Committees for the meetings of September 25, 2012 and the September 27, 2012 Rules and Legislation Committee Meeting  
**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to \*Approve as Submitted. The motion carried by the following vote:**  
**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente  
*At this time the September 25, 2012 Life Enrichment Committee was cancelled.*

[rules091312item6](#)  
[View Report.pdf](#)

- 7 Subject: Support Of Senate Bill 1172  
From: President Pro Tem Ignacio De La Fuente  
Recommendation: Adopt A Resolution Supporting Senate Bill 1172 (LIEU) Limiting Sexual Orientation Conversion "Treatment" Which Would Prohibit A Psychotherapist From Engaging In Sexual Orientation Change Efforts With A Minor Patient, Regardless Of A Parent's Willingness Or Desire To Authorize Such "Treatments."  
[12-0017](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be \*Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, due back on September 18, 2012. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente  
*As a consent item.*

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[84043 C.M.S.pdf](#)

**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

*There were no speakers during Open Forum.*

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:56 a.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.

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*City Clerk and Clerk of the Council*