



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, January 29, 2009

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules and Legislation Committee convened at 10:53 AM, with Council President Brunner presiding as Chairperson.

1 **Closed Session**

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A motion was made by Member De La Fuente, seconded by Member Reid, 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 office of the City Attorney scheduled a Closed Session for Tuesday, February 3, 2009 from 3 PM to 6 PM. A Special Closed Session was also scheduled for Thursday, February 5, 2009 from 9:30 AM to 10:30 AM

2 **Approval of the Draft Minutes from the Committee meeting of January 15, 2009**

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A motion was made by Member Reid, 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**

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A motion was made by Member Reid, 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

[01-29 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of February 3, 2009 (SUPPLEMENTAL)

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

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

[01-29 Rules Item 4](#)

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S-4-1 Subject: Emergency/Disaster Preparedness Training Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The Oakland Fire Department, Office Of Emergency Services To: 1) Enter Into An Agreement With The Regional Administrative Facility Corporation (RAFC) For The Provision Of Emergency/Disaster Preparedness Training In An Amount Not To Exceed Nine Thousand Dollars (\$9,000), And 2) Accept, Appropriate And Administer Revenues Generated By Said Agreement, And 3) Approve The Spending Of Revenues Generated By Such Training Within The Oakland Fire Department, Office Of Emergency Services (OES), And 4) To Enter Into Future Agreements And To Accept, Appropriate, Administer And Expend Future Revenue Funds Generated By Providing Emergency/Disaster Preparedness Training In An Amount Up To Forty Thousand Dollars (\$40,000) Per Annum Without Further Council Authorization, Through March 10, 2014 And Appropriate Said Funds To The Oakland Fire Department, Office Of Emergency Services; On The March 10, 2009 Public Safety Committee Agenda

[09-0055](#)

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Scheduled to *Public Safety Committee on 3/10/2009

S-4-2 Subject: 2008 Community Emergency Response Team Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Fifty-Five Thousand Dollars (\$55,000) For Federal Fiscal Year 2008 Community Emergency Response Team (CERT) Grant Period From State Of California Homeland Security Grant Program For The City Of Oakland, Office Of Emergency Services (OES), Communities Of Oakland Respond To Emergencies (CORE) Program; On The March 10, 2009 Public Safety Committee Agenda
[09-0056](#)

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Scheduled to *Public Safety Committee on 3/10/2009

S-4-3 Subject: Permitted Bingo Operations - Annual Hall Fees
From: Office of the City Administrator
Recommendation: A Request To Withdraw From The March 3, 2009 City Council Agenda The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Charging Bingo Game Operators More Than Fair Market Value For The Facilities, Goods And Services Provided By The Halls, 4) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 5) Subject Bingo Hall Operators To Audit Of Their Oakland Bingo Activities, 6) Specify That The Annual Bingo Hall Permit Fee, Audit Fee, And Police Services Fee Are Established By The Master Fee Schedule, 7) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 8) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 9) Require Bingo Game Permittees To Conduct Traditional Called Bingo Every Day That Electronic Bingo Is Available, 10) Prohibit Use Of Illegal Bingo Machines, 11) Provide For Administrative Penalty For Violations, 12) Prohibit Door Prize Bingo Games, 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 14) Increase The Maximum Game Pay-Out From \$250 To \$500 (TITLE CHANGE); And

[07-1233](#)

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Scheduled to *Public Safety Committee on 3/24/2009

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2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Include In The Annual Bingo Hall Permit Fee That Portion Of Law Enforcement And Public Safety Costs Attributable To Bingo Halls; And Reschedule To The March 24, 2009 Public Safety Committee Agenda

Reason: Based On Additional Discussions With Bingo Operators, Staff Plans To Make Changes To The Proposed Amendments. Also, Staff Will Submit The Annual Bingo Report For 2008 In Conjunction With The Revised Proposals.

[07-1233-1](#)

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Scheduled to *Public Safety Committee on 3/24/2009

S-4-4

Subject: Taxicabs Insurance Requirements

From: Office of the City Administrator

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.64 "Taxicabs" To A) Require The Same Insurance Limits Required By The Oakland Airport For Taxicabs That Work At The Airport; And B) Move 1) Authority For The Design Of The Fleet Management Permit Application, And 2) Discretion To Deny Fleet Management Permits On The Basis Of Criminal Convictions From The Oakland Police Department To The Office Of The City Administrator

[09-0059](#)

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Scheduled to *Public Safety Committee on 2/24/2009

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S-4-5

Subject: Police Chief Recruitment

From: Office of the City Administrator

Recommendation: Adopt A Resolution Waiving The Request For Proposal Or Qualifications Selection Process For A Professional Services Contract With A Qualified Law Enforcement Executive Search Firm To Conduct A Nationwide Search And Recruitment For The Position Of Chief Of Police Of The Oakland Police Department For An Amount Not To Exceed \$50,000.00

[09-0065](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009

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[81785 CMS.pdf](#)

S-4-6 Subject: Foster Media, Inc. Agreement
From: Councilmember Patricia Kernighan
Recommendation: A Request To Withdraw From The February 10, 2009
Community And Economic Development Committee Agenda A Resolution
Authorizing The City Administrator To Enter Into A Relocation Agreement With
Foster Media, Inc. To Relocate Its Office Facilities From San Francisco To The City
Of Oakland And To Establish Operational Facilities In The City Of Oakland In
Exchange For A General Outdoor Advertising Permit For An Outdoor Advertising
Display To Be Constructed At 277 - 5th Street; With No New Date
[09-0017](#)

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***Withdrawn with No New Date**

S-4-7 Subject: In Car Video Management System Status Report
From: Councilmember Larry Reid
Recommendation: Action On A Request To Schedule A Joint Report From The
Oakland Police Department And The Department Of Information Technology (DIT)
Detailing The Status Of The Vendor (Integrian) And Whether They Will Be Able To
Complete Installation Of The In Car Video Management System (ICVMS); On The
March 24, 2009 Public Safety Committee Agenda
[09-0058](#)

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Scheduled to *Public Safety Committee on 3/24/2009

S-4-8 Subject: Ambassadors Program Implementation
From: Council President Jane Brunner
Recommendation: Receive A Report On The Implementation Of The Ambassadors
Program; On The March 10, 2009 Community And Economic Development
Committee Agenda
[09-0060](#)

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**Scheduled to *Community & Economic Development Committee on
3/10/2009**

S-4-9 Subject: Workforce Investment Board Report
From: Council President Jane Brunner
Recommendation: Action On A Status Report And Approval Of All Workforce Investment Board (WIB) Funded Contracts For Fiscal Year 2007-2008, 2008-2009 And 2009-2010, Including The Amount, Service Goals And Past Evaluations For Each Contract; On The February 24, 2009 Community And Economic Development Committee Agenda
[09-0061](#)

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Scheduled to *Community & Economic Development Committee on 2/24/2009

S-4-10 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](#)

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Scheduled to *Rules & Legislation Committee on 2/19/2009

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S-4-11 Subject: Reverend Father Thomas J. Paris - Recognition
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Honoring The Retirement Of Reverend Father Thomas J. Paris, Dean Of The Greek Orthodox Cathedral Of The Ascension On Lincoln Boulevard After Serving As A Greek Orthodox Priest For Forty-Eight Years
[09-0063](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009

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S-4-12 Subject: 2008 Earned Income Tax Credit
From: Councilmember Nancy Nadel
Recommendation: Hear A Presentation Regarding The City Of Oakland's 2008 Earned Income Tax Credit (EITC) Campaign And Launch Of The 2009 Campaign
[09-0064](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/17/2009

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S-4-13 Subject: Central City East And Coliseum Project Areas Security
From: Community and Economic Development Agency
Recommendation: A Request To Re-Title The Following Item: An Agency Resolution Authorizing A Professional Services Agreement For An Amount Not To Exceed \$180,000 With (TBD) To Provide Private Commercial Security Services In The Central City East And Coliseum Redevelopment Project Areas (OLD TITLE);

Adopt An Agency Resolution Authorizing A Professional Services Agreement For An Amount Not To Exceed \$180,000 With International Services Incorporated Or DTM Corporation To Provide Unarmed Commercial Security Services In The Central City East And Coliseum Redevelopment Project Areas, And Allocating A Contract Compliance Fee To The City Under The Cooperation Agreement In The Amount Of 3% Of The Contract Amount (NEW TITLE); And Reschedule To The March 10, 2009 Community And Economic Development Committee Agenda

Reason: To Allow For Negotiations Regarding Contract Scope
[07-1778](#)

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Scheduled to *Community & Economic Development Committee on 3/10/2009

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S-4-14 Subject: Housing Trust Fund Grant
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Apply For And Accept Up To \$2 Million In Funds From The California Department Of Housing And Community Development Under The Local Housing Trust Fund Matching Grant Program, Housing And Emergency Shelter Trust Fund Act Of 2006 (Proposition 1C) Affordable Housing Innovation Fund, And Allocating Up To \$1.3 Million For The First-Time Homebuyer Program And Up To \$700,000 For Affordable Rental And Ownership Housing Development; And

[07-1868](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009

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2) An Agency Resolution Authorizing The Agency Administrator To Apply For And Accept Up To \$2 Million In Funds From The California Department Of Housing And Community Development Under The Local Housing Trust Fund Matching Grant Program, Housing And Emergency Shelter Trust Fund Act Of 2006 (Proposition 1C) Affordable Housing Innovation Fund, And Allocating Up To \$1.3 Million For The First-Time Homebuyer Program And Up To \$700,000 For Affordable Rental And Ownership Housing Development
[07-1868-1](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 2/3/2009**
[2009-0006 CMS.pdf](#)

4-15 Subject: Lake Merritt BART Station Specific Plan Development
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The February 24, 2009
Community And Economic Development Committee Agenda The Following Pieces
Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) From The Central City East District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Development Of The Lake Merritt BART Station Area Specific Plan And Environmental Document; And
[07-1890](#)

***Withdrawn with No New Date**

2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed One Million Dollars (\$1,000,000) And Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With The Lowest Responsible Bidder For Development Of The Lake Merritt BART Station Area Specific Plan In An Amount Not To Exceed One Million Three Hundred Thousand Three Dollars (\$1,300,000); With No New Date

Reason: Staff Request Item Be Withdrawn To Allow Time To Arrange For Acceptance Of Additional Project Funding.
[07-1890-1](#)

***Withdrawn with No New Date**

S-4-16 Subject: Revocable And Conditional Permit - 1002 Webster Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Clarence And Elaine Yee A
Revocable And Conditional Permit To Allow An Existing Basement For A Building
At 1002 Webster Street To Encroach Under The Public Sidewalk Along 10th Street
And Webster Street; On The March 10, 2009 Public Works Committee Agenda
[09-0051](#)

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Scheduled to *Public Works Committee on 3/10/2009

S-4-17 Subject: Capital Improvements Grants Changes
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Amending Resolution No. 2008-0051 C.M.S. To Change
The Recipient Of A Grant For Capital Improvements To The Oaks Hotel At 587
15th Street From The John Stewart Company To Oaks Associates And To Increase
The Amount Of The Grant By \$18,000 For A Total Not To Exceed \$83,000 To
Cover Increased Costs Associated With Payment Of Prevailing Wages; And
[09-0052](#)

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**Scheduled to *Community & Economic Development Committee on
2/24/2009**

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2) An Agency Resolution Amending Resolution No. 2008-0052 C.M.S. To Change The
Recipient Of A Grant For Capital Improvements To Kenneth Henry Court At 6455 Foothill
Boulevard From The John Stewart Company To 6455 Foothill Associates And To Increase The
Amount Of The Grant By \$37,000 For A Total Not To Exceed \$187,000 To Cover Increased
Costs Associated With Payment Of Prevailing Wages

[09-0052-1](#)

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**Scheduled to *Community & Economic Development Committee on
2/24/2009**

S-4-18 Subject: Purchase And Sell Agreement - Jefferson And 18th Streets
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Purchase And Sale Agreement To Sell Approximately Sixty (60) Square Feet Of City-Owned Surplus Real Property Located At Jefferson And 18th Streets To Wendy Neft Sanda And Kenneth Neft, The Adjoining Property Owners, For The Total Fair Market Value Of Three Hundred (\$300.00) Dollars
[09-0053](#)

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

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S-4-19 Subject: Oakland Retail Enhancement Strategy - Implementation Activities
From: Community and Economic Development Agency
Recommendation: Receive A Progress Report And Possible Action On Implementation Activities To Date Associated With The Oakland Retail Enhancement Strategy; On The March 24, 2009 Community And Economic Development Committee Agenda
[09-0054](#)

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Scheduled to *Community and Economic Development Committee - CANCELLED on 2/24/2009

S-4-20 Subject: Local Agencies Investment Fund
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Legislation:

1) A Resolution Of The Oakland Joint Powers Financing Authority Authorizing The Deposit Of Authority Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund

[09-0057](#)

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

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2) A Resolution Of The Redevelopment Agency Of The City Of Oakland Authorizing The Deposit Of Agency Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The Agency Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund; And

[09-0057-1](#)

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

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3) A Resolution Of The City Council Of The City Of Oakland Authorizing The Deposit Of City Monies In The Local Agencies Investment Fund As Authorized Under California Government Code Section 16429.1 For Purposes Of Investment By The State Treasurer And Designating The City Officers Authorized To Order The Deposit And Withdrawal Of Monies In The Fund

[09-0057-2](#)

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

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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Planning Code Amendments - Chapters 17.73 And 17.102

From: Community and Economic Development Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) An Ordinance Amending The Oakland Planning Code To: (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones; (2) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. 17.10.586 "Recycling And Waste-Related Industrial Activities"; Or

[07-1774](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/3/2009**

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2) A Revised Ordinance (Including Changes To The Extent Of The Area For Which Primary Collection Centers Are Responsible For Litter, Garbage And Shopping Cart Removal, And Allowed Parking Areas For Facility-Owned Vehicles) Amending The Oakland Planning Code To:

- (1) Amend Chapter 17.102 "General Regulations Applicable To All Or Several Zones" To Include Performance Standards For Primary Collection Center Recycling Uses In All Zones;
- (2) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" To Include Regulations Concerning Primary Collection Center Recycling Uses In CIX-1, CIX-2 And IG Zones;
- (3) Amend Chapter 17.10 "Use Classifications" To Delete "Intermediate Processing Facility" As A Land Use Activity Type From O.M.C. Section 17.10.586 "Recycling And Waste-Related Industrial Activities"

[07-1774-1](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/3/2009**

Subject: Hiring Of The Chief Of Police
 From: Vice Mayor De La Fuente and President Brunner
 Recommendation: Adopt A Resolution Confirming The Recommendation Of The City Council That 1) The Mayor Conduct A National Search To Fill The Position Of Chief Of Police, 2) That The Next Chief Of Police Be Hired From Outside The Department, And 3) That The Next Chief Of Police Have Experience In Urban Policing

[09-0066](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009

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[81786 CMS.pdf](#)

5 A review of the Council Committees' actions from January 27, 2009 and determination of scheduling to the ORA/City Council meeting of February 3, 2009 or future dates (MATRIX)

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A motion was made by Member De La Fuente, seconded by Member Reid, 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

Item 7 from the Community and Economic Development Committee agenda and Item 4 from the Public Safety Committee agenda were requested to be moved up on the Non-Consent Calendar for February 3, 2009 City Council Meeting

[01-29 Rules Item 5](#)

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- 6 A review of the Agendas for the Council Committees for the meeting(s) of February 10, 2009 and the Rules and Legislation Committee of February 12, 2009
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A motion was made by Member Reid, 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

[01-29 Rules Item 6](#)
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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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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