



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, September 16, 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 10:47 am, with Councilmember Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by Member Reid, 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

2 **Approval of the Draft Minutes from the Committee meeting of July 8, 2010 and July 15, 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 for the ORA/Council meeting of September 21, 2010 (SUPPLEMENTAL)**

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

[91610item4](#)

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S-4-1 Subject: Homeland Security 2010 Assistance- Firefighter's Staffing
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate A Grant From The Department Of Homeland Security 2010 Assistance To Firefighter's Staffing For Adequate Fire And Emergency Response Program (SAFER) In The Amount of Nine Hundred Twenty-One Thousand Seven Hundred Thousand Dollars (\$921,735.00) To Fund The Salary And Benefits For Three (3) Firefighter Trainee Positions For A Two-Year Period
[10-0041](#)

Scheduled to *Public Safety Committee on 10/12/2010

[View Report.pdf](#)

S-4-2 Subject: Vehicle Occupancy Protection And Bicycle Safety Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee On Behalf Of The City Of Oakland To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Ninety-One Thousand Three Hundred And Five Dollars (\$491,305) From The State Of California, Office Of Traffic Safety To The Oakland Police Department For The Fiscal Year 2011 Implementation Of The Vehicle Occupancy Protection And Bicycle Safety Program, And 2) Waive The Competitive Request For Proposal/Qualifications Process For The Purchase Of Services Associated With The Program From The East Bay Community Recovery Project In An Amount Not To Exceed Fifty Thousand Dollars (\$50,000), The Oakland Police Activities League In An Amount Not To Exceed Thirty Thousand Dollars (\$30,000), And The Alameda County Public Health Department - Community Health Academy, In An Amount Not To Exceed Twenty-Nine Thousand Three Hundred Eighty-Five Dollars (\$29,385)
[10-0057](#)

Scheduled to *Public Safety Committee on 9/28/2010

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[83005 CMS.pdf](#)

S-4-3 Subject: 2010-2011 DUI Enforcement And Awareness Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In The Amount Of Two Hundred Forty-One Thousand Two Hundred Dollars (\$241,200) From The State Of California, Office Of Traffic Safety, For The 2010-2011 DUI Enforcement And Awareness Program To Be Conducted By The Police Department For The Project Term Of October 1, 2010 Through September 30, 2011
[10-0058](#)

Scheduled to *Public Safety Committee on 9/28/2010

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[83006 CMS.pdf](#)

S-4-4 Subject: Animal Services Division - Funding Donations
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, On Behalf Of The City Of Oakland, To Accept Donations In The Amount Of Two Hundred Sixty-Five Thousand Five Hundred And Nine Dollars (\$265,509) From The Estate Of Blanche Thomas, And Sixty-Six Thousand Five Hundred Dollars (\$66,500) From Maddie's Fund, And Appropriate Said Funds To The Oakland Police Department Animal Services Division To Help Fund Spay And Neuter Programs, Quality Of Life Projects For Animals, And Purchase Supplies/Equipment For The Volunteer Program
[10-0059](#)

Scheduled to *Public Safety Committee on 9/28/2010

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[83007 CMS.pdf](#)

S-4-5 Subject: 2009-10 Fourth Quarter R & E Results & Year-End Projections
From: The Budget Office
Recommendation: Receive A Report On Fiscal Year 2009 - 2010 Fourth Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape And Lighting Assessment District Fund (2310), Equipment Fund (4100) And City Facilities Fund (4400); Overtime Analysis For The General Purpose Fund (1010) And All Funds
[10-0049](#)

Scheduled to *Finance & Management Committee on 9/28/2010

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S-4-6 Subject: Elmhurst Weed And Seed Initiative
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Fifty-Six Thousand Nine Hundred Seventy-Nine Dollars (\$156,979) From The U.S. Department Of Justice, Office Of Justice Programs, Community Capacity Development Office, In Support Of Fifth Year Program Operations Associated With The Elmhurst Weed And Seed Initiative A Comprehensive Community-Based Strategy For Local Law Enforcement, Crime Prevention and Community Revitalization
[10-0043](#)

Scheduled to *Public Safety Committee on 10/12/2010

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S-4-7 Subject: Medical Marijuana Cultivation Facility
From: Office Of The City Administrator
Recommendation: Action On A Report Regarding Proposed Request For Permit Applications (RFPA) To Operate A Medical Cannabis Cultivation Facility Pursuant To Oakland Municipal Code Chapter 5.81
[10-0044](#)

Scheduled to *Public Safety Committee on 9/28/2010

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S-4-8 Subject: Health Element - General Plan Amendment
From: Vice Mayor Quan
Recommendation: Action On A Report And Recommendation To Direct Staff To Work With The Alameda County Public Health Department To Develop A Framework For Incorporating A Health Element Into The General Plan And Seek Funding To Implement This Framework
[10-0047](#)

Scheduled to *Public Safety Committee on 9/28/2010

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S-4-9 Subject: 2010 United Nations Day
From: Councilmember Nadel
Recommendation: Adopt A Resolution Declaring October 2010 United Nations Month And October 24th 2010 United Nations Day In The City Of Oakland And Authorizing The City Of Oakland To Serve As An Honorary Sponsor Of The United Nations Anniversary Flag Raising Ceremony
[10-0048](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/5/2010

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[82991 CMS.pdf](#)

S-4-10 Subject: Small Local Business Enterprise Program
From: Community and Economic Development Agency
Recommendation: A Request To Reschedule An Item Previously Scheduled To
The September 28, 2010 Community and Economic Development Agenda And
Schedule To The October 12, 2010 Community And Economic Development
Committee Agenda

Adopt A Resolution Adopting The Modifications To The City's Local And Small
Local Business Enterprise Program As Recommended By The Fairness In
Contracting And Purchasing Disparity Study

[09-1651](#)

**Scheduled to *Community & Economic Development Committee on
10/12/2010**

S-4-11 Subject: City Administrator's Purchases And Contracts
From: Contracting And Purchasing
Recommendation: Receive An Informational Report Listing All Purchases And
Contracts Authorized By The City Administrator, Or The City Administrator
Designee, Within The City Administrator's Contract Authority During Fiscal Year
2009 - 2010 In Accordance With Oakland Municipal Code Section 2.04.020.D.2
[10-0040](#)

Scheduled to *Finance & Management Committee on 9/28/2010

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S-4-12 Subject: Sanitary Sewer Root Foaming
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution (1) Rejecting All Bids, (2) Waiving Further
Competitive Bidding And (3) Approving The Award Of A Negotiated Construction
Contract To Root Tamers For The Sanitary Sewer Root Foaming Project (Project
No. P188440) In Accord With Specifications For The Project And Contractor's
Negotiated Bid Proposal In The Amount Of Three Hundred Twenty-Five Thousand
Dollars (\$325,000.00)

[10-0042](#)

Scheduled to *Public Works Committee on 9/28/2010

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[83002 CMS.pdf](#)

S-4-13 Subject: Rent Adjustment Program
From: Community And Economic Development Agency
Recommendation: Receive An Annual Report Of The Rent Adjustment Program
For Fiscal Year 2009-2010
[10-0046](#)

**Scheduled to *Community & Economic Development Committee on
10/12/2010**

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S-4-14 Subject: Broadway/MacArthur/San Pablo Redevelopment Plan Change
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending The Procedures For The Formation Of The Project
Area Committee For The Broadway/MacArthur/San Pablo Redevelopment Project
Area To Expand The Membership To Include Representatives Of The Lowell
Street/Golden Gate/Gaskill Area, And To Make Other Modifications; And
[10-0050](#)

**Scheduled to *Community & Economic Development Committee on
9/28/2010**

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[83003 CMS.pdf](#)

2) An Agency Resolution Accepting The Preliminary Plan For An Amendment To The
Broadway/ MacArthur/ San Pablo Redevelopment Plan Expanding The Project Area To
Incorporate The Lowell Street/Golden Gate/Gaskill Area, Authorizing Preparation Of A
Redevelopment Plan Amendment, And Authorizing Transmittal Of A Statement Of Preparation
Of Plan Amendment To The State, County, And Taxing Entities
[10-0050-1](#)

**Scheduled to *Community & Economic Development Committee on
9/28/2010**

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[2010-0107 CMS.pdf](#)

S-4-15 Subject: Martin Luther King Jr. Way/Peralta - Streetscape Design
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency
Administrator To Negotiate And Execute A Contract With Gates + Associates In
An Amount Not To Exceed \$480,000 To Prepare Streetscape Plans And Design
Documents For Martin Luther King Jr. Way Peralta Street In West Oakland
[10-0051](#)

**Scheduled to *Community & Economic Development Committee on
9/28/2010**

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[2010-0108 CMS.pdf](#)

S-4-16 2) A Resolution Authorizing Application For And Acceptance And Appropriation Of A \$470,000 Grant Under The California Department Of Housing And Community Development Building Growth And Equity In Neighborhoods Program To Assist The 9507 Edes Avenue Development And Authorizing Loans To Purchasers Of Units In The Edes Development

[10-0052-1](#)

Scheduled to *Community & Economic Development Committee on 9/28/2010

[83004 CMS.pdf](#)

Scheduled to *Community & Economic Development Committee on 9/28/2010

S-4-17 Subject: Temporary Construction Easements - 42nd/High Improvement Project
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The City Administrator Or His Designee To Acquire Property Rights, Including Fee Interests, Permanent Easements, And Temporary Construction Easements, For Ten Parcels For The 42nd Avenue And High Street Access Improvement Project Without Returning To Council

[10-0053](#)

Scheduled to *Public Works Committee on 10/12/2010

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S-4-18 Subject: Regillus Homeowners Association - Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting The Regillus Homeowners Association A Revocable And Conditional Permit To Allow Existing Balconies And A New Handicapped Ramp At 200 Lakeside Drive To Encroach Into The Public Right-Of-Way Along Jackson Street

[10-0054](#)

Scheduled to *Public Works Committee on 9/28/2010

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S-4-19 Subject: 967 Stanford Avenue - Encroachment Permit
From: Community and Economic Development Agency
Recommendation: Adopt Resolution Granting Stanford Triangle LLC A Revocable And Conditional Permit To Allow A Portion Of An Existing Building And Its Supporting Retaining Wall At 967 Stanford Avenue To Encroach Into The Public Right-Of-Way Along Lowell Street

[10-0055](#)

Scheduled to *Public Works Committee on 10/12/2010

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S-4-20 Subject: 10700 MacArthur Boulevard - Encroachment Permit
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting MacArthur Boulevard Associates
A Conditional And Revocable Permit To Allow A Soil Shoring System To
Encroach Under The Public Right-Of-Way Along Foothill Boulevard For A New
Grocery Store In The Foothill Square Shopping Center Located At 10700
MacArthur Boulevard
[10-0056](#)

Scheduled to *Public Works Committee on 10/12/2010

S-4-21 Subject: Chabot/OUSD Conditional Assignment Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A City Ordinance Authorizing The City Administrator
To Negotiate And Execute A Conditional Assignment Agreement With The
Chabot Space And Science Center ("Chabot") And The Oakland Unified School
District (The "District") To: (1) Subordinate The City's Right To Assume The
Ground Lease For The Property; And (2) Consent To A Restructuring Of The
District's Loan To Chabot
[10-0060](#)

No Action Taken

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S-4-22 Subject: Uptown Mixed-Income Project
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Approving A Final Map For Tract No.
8046 To Create Three Market-Rate And Three Affordable-Rate Condominiums To
Facilitate Private Investment In The Uptown Mixed-Income Project By Low
Income Housing Tax Credit Investors
[10-0061](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/5/2010**

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S-4-23 Subject Tall Monopole Wireless Telecommunications Facility - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal #A10223 And Upholding The Decision Of The
Planning Commission To Deny Case #CM10140 For A 41'-5"-Tall Monopole
Wireless Telecommunications Facility In The Open Space Zone Section Of Public
Right-Of-Way On Skyline Blvd. North Of The Roberts Park Street Entrance
[10-0062](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/19/2010**

S-4-24 Subject: Wireless Telecommunications Facility - Skyline Blvd.
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying Appeal #A10224 Submitted August 16, 2010 And Upholding
The Decision Of The Planning Commission To Deny Case #CM10140 On August
4, 2010 For A 36'-4"-Tall Monopole Wireless Telecommunications Facility In The
Open Space Zone Section Of Public Right-Of-Way On Skyline Blvd. North Of The
Chabot Space And Science Center Street Entrance
[10-0063](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/19/2010**

S-4-25 Subject: Dunsmuir Hellman Historic Estate
From: Office Of Parks And Recreation
Recommendation: Receive An Informational Report On The Status Of The
Operations And Management Of The 50 Acre Dunsmuir Hellman Historic Estate
By The City Of Oakland Office Of Parks And Recreation As Of May 3, 2010
[10-0039](#)

Scheduled to *Life Enrichment Committee on 9/28/2010

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S-4-26 Subject: Rent Relief To Oakland Golf LLC
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution To Approve Fifty Percent (50%) Of The
Minimum Rent Relief To Oakland Golf LLC For The Operation Of The
Metropolitan Golf Links During Fiscal Year July 1, 2010 Through June 30, 2011
As Authorized In The First Sublease And Operating Agreement Approved By
Resolution No. 81274 On May 6, 2008
[10-0045](#)

Scheduled to *Finance & Management Committee on 10/12/2010

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- 5 A review of the Council Committees' actions from September 14, 2010 and determination of scheduling to the ORA/City Council meeting of September 21, 2010 (MATRIX)
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

[91610item5](#)

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- 6 A review of the Agendas for the Council Committee meetings of September 28, 2010 and Rules and Legislation Committee of September 30, 2010
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

[91610item6](#)

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- 7 Subject: Opposing Proposition 23
From: Councilmember Nadel
Recommendation: Adopt A Resolution Opposing Proposition 23, A Ballot Initiative To Suspend The Clean Energy And Air Pollution Control Standards Of The Global Warming Solutions Act Of 2006 (AB32)
[10-0007](#)
A motion was made by Member Quan, seconded by Chair Brunner, that this matter be *Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on September 21, 2010. The motion carried by the following vote:
Votes: Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente
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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:25 p.m.

NOTE: Americans With Disabilities Act
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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