

# City of Oakland Meeting Agenda

\*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

Thursday, November 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

- Closed Session

  Approval of the Draft Minutes from the Committee meetings of October 29, 2009 and November 5, 2009

  Determination of Schedule of Outstanding Committee Items
- Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting of November 24, 2009 CANCELLATION NOTICES(SUPPLEMENTAL)

S-4-1 Subject: Fire And Emergency Response Program Grant (ARRA)

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For Grant Funds Of Up To One Million Dollars (\$1,000,000) From The U.S. Department Of Homeland Security's Staffing For Adequate Fire And Emergency Response Program Under The American Recovery And Reinvestment Act Of 2009 ("Federal Stimulus Package") To Support New Or Rehired Firefighter Positions For A Period Of Two Years; On The December 1, 2009 Public Safety Committee Agenda

(09-1017)

S-4-2 Subject: Kids First! Audit

From: Budget Office

Recommendation: A Request To Withdraw From The December 1, 2009 Finance And Management Committee Agenda Receive A Follow-Up Report On The City Auditor's Kids First! Oakland Children's Fund Performance Audit Report, Including City Attorney's Opinion On Unrestricted Revenues And Administrative Instructions On Future Set-Aside Calculations; And Re-Schedule To The February 9, 2010 Finance And Management Committee Agenda

REASON: Additional Time Needed By The City Attorney's Office To Review The Issues In The Audit Findings And Publish A Legal Opinion (09-0709)

S-4-3 Subject: Measure Y Report

From: Office Of The City Administrator

Recommendation: Receive The Measure Y Outcome Evaluation Report, Violence Prevention Programming, 2008-2009; On The January 12, 2010

Public Safety Committee Agenda

(09-1012)

S-4-4 Subject: Status of Oakland's Grant Awards (ARRA)

From: Office Of The City Administrator

Recommendation: Receive An Informational Report On The Status Of Oakland's Grant Awards Under The American Recovery And Reinvestment Act Of 2009 ("Federal Stimulus Package") As Compared To Similar Bay Area And Other Cities; On The December 8, 2009 City Council Agenda

(09-1024)

S-4-5 Subject: Instant Runoff Voting For City Elections

From: Office Of The City Attorney

Recommendation: Adopt An Ordinance Deleting Oakland Municipal Code (OMC) Section 3.08.140 (Election Of Candidates), Amending Section 3.08.150 (Order Of Candidate Names); Deleting Section 3.12.210 (Time Periods For Expenditures); Amending 3.12.040 (Interpretation Of This Act), To Conform The OMC With Instant Runoff Voting For City Elections; On The December 3, 2009 Rules And Legislation Committee Agenda

(09-1018)

S-4-6 Subject: Preliminary Council Meeting Schedule 2010

From: Office of the City Clerk

Recommendation: A Request From The Office Of The City Clerk To Review The Preliminary Schedule Of Meetings For Calendar Year 2010

(09-1023)

S-4-7 Subject: Improvements To Oakland's Gun Control Laws

From: Councilmember Larry Reid

Recommendation: A Request To Withdraw From The December 1, 2009
Public Safety Committee Agenda Adopt An Ordinance From The City
Attorney's Office And The Oakland Police Department Discussion
Recommendations From The Legal Community Against Violence And The
Association Of Bay Area Governments To Amend Various Sections Of
The Oakland Municipal Code To Enhance And Improve Oakland's Gun
Control Laws By Regulating The Sale Of Ammunition, Strengthening
Current Regulations On Firearms Dealers, Prohibiting The Possession Of
Large Capacity Ammunition Magazines, Strengthening Regulations
Regarding The Reporting Of Lost Or Stolen Firearms, Prohibiting The Sale
Of And Possession Of .50 Caliber Cartridges, Regulating The Proper
Disposal Of Firearms And Requiring Firearms, To Be Stored Safely In The
Home; And Re-Schedule To The January 26, 2010 Public Safety
Committee Agenda

REASON: Staff Needs Additional Time To Complete Language Of Proposed Ordinances.

(09-0857)

S-4-8 Subject: Interoperability And P-25 Compliance Update

From: Councilmember Larry Reid

Recommendation: A Request To Re-Title An Item Already Scheduled On The December 1, 2009 Public Safety Committee Agenda

(OLD TITLE): Recieve An Informational Report From The Department Of Information Technology With An Update On Interoperability And P-25 Compliance For The City's Emergency Management System.

(NEW TITLE): Recieve An Informational Report From The Department Of Information Technology With An Update On Interoperability And P-25 Compliance For The City's 800 MHz Radio Communication System. (09-0878)

S-4-9 Subject: Parks And Recreation Enterprise Facilities Impact

From: Councilmember Nancy Nadel

Recommendation: A Request To Withdraw And Re-Title From The December 1, 2009 Life Enrichment Committee Agenda

(OLD TITLE): Action On A Report And Recommendations From The Office Of Parks And Recreation (OPR) On The Impact Of OPR's Enterprise Facilities In Relationship To The City's Budget, Current Rates Charged, Comparison With Comparable Local Facilities, Revenue Estimates And Trends, Current Expenditures, And Options To Increase Fees

(NEW TITLE): Action On A Report And Recommendations From The Office Of Parks And Recreation (OPR) On The Impact Of OPR's Enterprise Facilities, Rental Facilities Where OPR Creates An Enterprise Focus For The Purpose Of Generating Revenue, In Relationship To The City's Budget, Current Rates Charged, Comparison With Comparable Local Facilities, Revenue Estimates And Trends, And Current Expenditures; And Re-schedule To The December 15, 2009 Life Enrichment Committee Agenda

Reason: More Time Is Needed To Present A Complete Report (09-0913)

S-4-10 Subject: Oakland's Hiring Practices Audit Report

From: Councilmember Ignacio De La Fuente

Recommendation: Action On A Report From The Office Of The City Auditor On The Results Of The Performance Audit Of Oakland's Hiring Practices; On The December 10, 2009 Special Rules And Legislation Committee Agenda; To Be Held At 10:30 A.M.

(09-0948)

S-4-11 Subject: 2010 Federal Legislative Agenda Approval

From: City Council

Recommendation: Action On A Report Requesting Approval Of The Proposed 2010 Federal Legislative Agenda For The City Of Oakland; On The December 3, 2009 Rules And Legislation Committee Agenda

(09-1008)

S-4-12 Subject: Implementation Of Ranked Choice Voting Or June Primary

Election

From: Council President Jane Brunner

Recommendation: Action On A Report On The Implementation Of Ranked Choice Voting Or A Resolution To Call The June Primary Election; On The December 8, 2009 City Council Agenda

(09-1009)

S-4-13 Subject: Administrative Inititatives For Local And Small Local Business

From: Department Of Contracting And Purchasing

Recommendation: Receive An Informational Report On Proposed Administrative Initiatives To Increase Local And Small Local Business Participation In City Contracting; On The December 8, 2009 City Council Agenda

(09-1019)

S-4-14 Subject: Local 55 - Memorandum Of Understanding Amendment

From: Department of Human Resources Management

Recommendation: Adopt A Resolution Amending The Memorandum Of Understanding Between The City Of Oakland And The International Association Of Firefighters, Local 55, Representing Employees In Representation Unit FQ1, Covering The Period Of July 1, 2008 Through June 30, 2012; On The December 8, 2009 City Council Agenda

(09-0742)

S-4-15 Subject: Rockridge Business Improvement District Assessment

From: Community And Economice Development Agency

Recommendation: A Request To Withdraw From The December 15, 2009 Community And Economic Development Committee Agenda Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2010/2011 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For November 17, 2009; And Re-Schedule To The January 26, 2010 Community And Economic Development Agenda And Scheduled As A Public Hearing On The February 2, 2010 City Council Agenda

REASON: The Dec. 15th Date Is A Difficult One For Local Merchants Due To The Holiday Season.

(09-0837)

S-4-16 Subject: Comprehensive Marketing Campaign Implementation

From: Community and Economic Development Agency

Recommendation: A Request To Re-Title An Item Already Scheduled On The December 1, 2009 Community And Economic Development

Committee Agenda

(OLD TITLE): An Agency Resolution Contributing \$50,000 In Redevelopment Agency Funds To The City Of Oakland Under The Cooperative Agreement To Support The Implementation Of A Comprehensive Economic Development Marketing Program For Redevelopment Project Areas, Including A Marketing Strategy And Brand Identity To Promote Oakland As A Prime Location For Business, Development And Investment And The Production Of New Marketing Materials Needed To Implement The Program, And Authorizing Professional Services Contracts Without Returning To The Agency As Needed For The Design And Production Of Quarterly Redevelopment Newsletters In An Amount Not To Exceed \$50,000 For Fiscal Year 2009/10.

A City Resolution Accepting And Appropriating Redevelopment Agency Funds In An Amount Not To Exceed \$50,000 Under The Cooperative Agreement To Implement A Comprehensive Marketing Campaign For Redevelopment Project Areas Including A Marketing Strategy And Brand Identity To Promote Oakland As A Prime Location For Business, Development And Investment And The Production Of New Marketing Materials Needed To Implement The Program.

(NEW TITLE): An Agency Resolution Authorizing The Agency
Administrator To Negotiate, Execute And Amend Professional Services
Contracts Without Returning To The Agency As Needed To Implement A
Comprehensive Economic Development Marketing Program For
Redevelopment Project Areas, Including A Marketing Strategy, Brand
Identity And New Marketing Materials Needed To Promote Oakland As A
Prime Location For Business, Development And Investment And For The
Design And Production Of Quarterly Newsletters In An Amount Not To
Exceed \$100,000 For Fiscal Year 2009-2010

REASON: The Item Is Now Proposed As An Agency-Only Action; The Previous City Resolution Is No Longer Required (09-0903)

S-4-17 Subject: Business Improvement Districts - Annual Reports

From: Community and Economic Development Agency

Recommendation: A Request To Re-Title An Item Already Scheduled On

The December 8, 2009 City Council Agenda

(OLD TITLE): 1) A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, The Temescal/Telegraph Avenue Property Business Improvement District Of 2005, The Laurel Property Business Improvement District Of 2005, The Fruitvale Property Business Improvement District Of 2006, The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008 Advisory Boards And Confirming The Continuing Annual Assessment For Each District For Fiscal Year 2009/2010; And

2) An Agency Resolution Authorizing Payment Of The Koreatown/Northgate Community Benefit District Of 2007 Assessment For One (1) Agency-Owned Property On Which An Assessment Is To Be Levied (Located At 2016 Telegraph Avenue APN 008-0649-010-00) In An Amount Not To Exceed \$2,035.50 For The Fiscal Year 2009/2010 Assessment Period

(NEW TITLE):1) A Resolution Approving The Annual Reports Of The Lakeshore/Lake Park Business Improvement Management District, The Temescal/Telegraph Avenue Property Business Improvement District Of 2005, The Laurel Property Business Improvement District Of 2005, The Fruitvale Property Business Improvement District of 2006, The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008 Advisory Boards And Confirming The Continuing Annual Assessment For Each District For Fiscal Year 2009/2010

2) An Agency Resolution Authorizing Payment Of The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, And The Lake Merritt/Uptown Community Benefit District Of 2008 Assessments For Six (6) Redevelopment Agency-Owned Properties On Which Assessments Are To Be Levied (APN 008 0649 010 00; 001 0201 010 00, 002 0097 045 00, 008 0620 009 03, 008 0641 008 05, 008 0649 09 00) In An Amount Not To Exceed \$33,860.56 For The Fiscal Year 2009/2010 Assessment Period

REASON: The Title Of Second Resolution Needs To Be Revised To Reflect The Six Agency-Owned Properties Which Are Subject To This Assessment, Leading To A Slightly Larger Cost.

(09-0906)

S-4-18 Subject: Fox Theater Renovation Project Loan

From: Community and Economic Development Agency
Recommendation: A Request To Re-Title An Item Already Scheduled On
The December 1, 2009 Community And Economic Development Agency
Agenda And Withdraw The Item As A Public Hearing On The December
8, 2009 City Council Agenda

(OLD TITLE): An Agency Redevelopment Resolution Regarding The Fox Theater, Authorizing The Agency Administrator To Amend The Disposition And Development Agreement To Provide For A Bridge Loan Between The Agency And Fox Oakland Theater Inc (FOT), A Non-Profit Entity, In An Amount Not To Exceed \$2,000,000 To Fund The Completion Of The Fox Theater Renovation Project.

(NEW TITLE): A Resolution Authorizing The Agency Administrator To Provide A Loan To Fox Oakland Theater, Inc., A California Non-Profit Corporation, In An Amount Not To Exceed \$2,000,000 To Fund The Completion Of The Fox Theater Renovation Project

REASON: The Proposed Action Has Been Reconfigured As A Direct Loan Between The Agency And The Fox Oakland Theater; A DDA Amendment Is No Longer Required. Please Note That Previously Requested 12/8/09 Public Hearing Is No Longer Required

(09-0945)

S-4-19 Subject: Window Rehabilitation- Melrose Library

From: Community And Economic Development Agengy Recommedation: A Request To Withdraw From The December 1, 2009 Public Works Committee Agenda Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award A Construction Contract For The Melrose Library Window Rehabilitation Project, In Accord With Specification No. P337310 And With The Contractor's Bid, To Rockridge Builders In The Amount Of One Hundred Thirty-Seven Thousand Six Hundred Eighty-Three Dollars (\$137,683.00); And Reschedule To The December 15, 2009 Public Works Committee Agenda

REASON: Staff Need Additional Time To Incorporate Additional Information Into The Report And Resolution For This Item. (09-0968)

S-4-20 Subject: Ac Transit Bus Rapid Transit Project

From: Community And Economic Development Agency Recommendation: Receive An Informational Report On Current Status And Process Of The Proposed AC Transit Bus Rapid Transit Project; On

The December 15, 2009 Public Works Committee Agenda

(09-0969)

S-4-21 Subject: Pacific Renaissance Plaza Lawsuit

From: Community And Economic Development Agency Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A City Resolution Amending City Resolution No. 80841 C.M.S. And;
- 2) An Agency Resolution Amending Agency Resolution No. 2007-71 C.M.S. Authorizing Settlement Of The Pacific Renaissance Plaza Lawsuit To (1) Extend The Timeline For Repaying The City's Legal Costs By Twenty-Four Months, And (2) Allow Resales Of Project Units To Households Earning Up To 120% Of Area Median Income; On The January 12, 2010 Community And Economic Development Committee Agenda

(09-1015)

S-4-22 Subject: As-Needed General Economic Consulting Contracts
From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Amending Resolution No. 2007-0057 To Increase The Funding Allocation For As-Needed General Economic Consulting Service Contracts From A Total Not-To-Exceed Amount Of \$480,000 To \$630,000; On The January 12, 2010 Community And Economic Development Committee Agenda

(09-1016)

S-4-23 Subject: Citywide Guardrail Installations & Traffic Signals
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A Resolution Awarding A Construction Contract To Ray's Electric For Citywide Guardrail Installations And The Installation Of A Traffic Signal At The Intersection Of International Boulevard And 50th Avenue (City Project Nos. C313620, C270310 And C313810) In Accord With Project Plans And Specifications And Contractor's Bid In The Total Amount Of Two Hundred Eighty-Three Thousand Three Hundred Twenty-Two Dollars (\$283,322.00); And
- 2) A Resolution Waiving The Competitive Bid Process And Awarding A Contract To Ray's Electric For Installation Of An Additional Traffic Signal At The Intersection Of Foothill Boulevard And 64th Avenue For An Amount Of Two Hundred Thousand Dollars (\$200,000.00); On The December 15, 2009 Public Works Committee Agenda (09-1022)

S-4-24 Subject: Solar Financing Program Options

From: Public Works Agency

Recommendation: A Request To Re-Title An Item Already Scheduled On The December 1, 2009 Public Works Committee Agenda And Schedule As A Public Hearing On The December 8, 2009 City Council Agenda

(OLD TITLE) Adopt A City Resolution To Join The CaliforniaFIRST Pilot Program Of The California Statewide Communities Development Authority To Make Property Tax-Based Financing Available To Oakland Property Owners For Energy Efficiency Improvements And Solar Power Generation Systems And Authorizing The City Administrator To Expend An Amount Up To Twenty Thousand Dollars (\$20,000.00) For Program Setup

(NEW TITLE) Adopt A City Resolution Authorizing The City Of Oakland To:

- 1. Join The California first Program; And
- 2. Authorize The California Statewide Communities Development Authority To Accept Applications From Property Owners Who Wish To Participate In Property Assessments For The Program; And
- 3. Authorize The California Statewide Communities Development Authority To Conduct Contractual Assessment Proceedings And Levy Contractual Assessments On Behalf Of The City Within The Territory Of The City Of Oakland; And
- 4. Authorize The City Administrator To Pay The California Statewide Communities Development Authority Fees Up To Twenty Thousand Dollars (\$20,000.00) For Oakland's Program Setup Fees

REASON: Additional Legal Information Was Received Which Changed Enabling Language.

(09-0177)

S-4-25 Subject: Delinquent Transient Occupancy Taxes - Public Hearing

From: Finance and Management Agency

Recommendation: A Request To Withdraw From The December 8, 2009 City Council Agenda A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes; With No New Date

(09-0068)

S-4-26 Subject: Comprehensive Annual Financial Report

From: Finance and Management Agency

Recommendation: A Request To Withdraw From The December 1, 2009

Finance And Management Committee Agenda Receive The

Comprehensive Annual Financial Report For Fiscal Year 2008-2009; And

Re-Schedule To The December 15, 2009 Finance And Management

Committee Agenda

Reason: Audit will not be ready in time for the earlier committee date.

(09-0796)

S-4-27 Subject: Funding Options For City Vehicles

From: Finance And Management Agency

Recommendation: Receive An Informational Report Regarding Funding Options For City Vehicles; On The January 26, 2010 Fianance And

Management Committee Agenda

(09-1013)

S-4-28 Subject: Central City East Redevelopment Project Area Funds

From: Finance And Management Agency

Recommendation: Adopt A Resolution Authorizing A Change In The Funding Source For Public Purpose Improvements Adopted In The ORA Fiscal Year 2007-2009 And Fiscal Year 2009-2011 Biennial Budgets For The Central City East Redevelopment Project Area From Tax Increment Revenues And Series 2006A Taxable Bond Proceeds To Tax Exempt Bond Proceeds And Related Documents; On The December 15, 2009 Finance And Management Committee Agenda

(09-1014)

S-4-29 Subject: Delinquent Mandatory Garbage Fees 2009

From: Finance And Management Agency

Recommendation: A Public Hearing On Delinquent Mandatory Garbage Fees For July/August/September 2009 Monthly Accounts And October/November/December 2009 Quarterly Accounts; On The March 16, 2010 City Council Agenda; And Scheduled As A Public Hearing On The March 16, 2010 City Council Agenda

(09-1021)

S-4-30 Subject: Negotiated Settlement Agreement

From: Oakland Police Department

Recommedation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To (1) Enter Into A Professional Services Agreement With A Qualified Independent Monitor In An Amount Not To Exceed \$1,500,000 (One Million Five Hundred Thousand) Dollars For The Two-Year Period From January 2010 To January 2012 To Perform The Professional Services As Provided For In The Memorandum Of Understanding Re: Post Negotiated Settlement Agreement Terms And Conditions Allowing For The Resolution Of Plaintiff's Claims For Injunctive Relief And For Dismissal Of The Action; And (2) Waiving The Request For Qualifications Process; On The December 8, 2009 City Council Agenda

(09-1010)

S-4-31 Subject: Early Childhood Literacy Programming Grant

From: Oakland Public Library

Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate A Grant In The Amount Of \$77,600 From First 5 Alameda County To Support The Oakland Public Library's Early Childhood Literacy Programming For Eighteen Months Beginning In Fiscal Year 2009-2010; On The December 15, 2009 Life Enrichment Committee Agenda

(09-1020)

S-4-32 Subject: Oakland Golf LLC - Rent Relief

From: Office Of Parks And Recreation

Recommedation: 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, 2009 Through June 30, 2010 As Authorized In The First Sublease And Operating Agreement Approved By Resolution No. 81274 On May 6, 2008; On The December 15, 2009 Life Enrichment Committee Agenda

(09-1011)

A review of the Agendas for the Council Committees for the meeting(s) of December 1, 2009 and the Rules and Legislation Committee for the meeting of December 3, 2009

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

### Adjournment

NOTE: Americans With Disabilities Act

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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