

DRAFT



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>

Thursday, May 29, 2008

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:40 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

The office of the City Attorney scheduled a Closed Session for Wednesday, June 11, 2009 from 3 PM to 5 PM

2 **Approval of the Draft Minutes from the Committee meetings of May 8, 2008 and May 15, 2008**

A motion was made by Vice Mayor Reid, seconded by Member Chang, to *Approve the Minutes. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

3 **Determination of Schedule of Outstanding Committee Items**

There was no action necessary for this item

4 **Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of June 3, 2008 CANCELLATION NOTICE**

A motion was made by Vice Mayor Reid, seconded by Member Chang, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

[05-29 Rules Item 4](#)

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S-4-1 Subject: Oakland Zoo Parcel Tax
From: Office of the City Administrator
Recommendation: Adopt A Resolution Declaring Council Support For The
Oakland Zoo Humane Animal Treatment, Repair, Improvement, And Services
Protection Act, Which Would Establish A Parcel Tax In Alameda County To Fund
Additional Services And Projects Of The Oakland Zoo; On The June 12, 2008
Rules And Legislation Committee Agenda
[07-1416](#)

Scheduled to *Rules & Legislation Committee on 6/26/2008

This item will also be noticed for the July 1, 2008 City Council Agenda

S-4-2 Subject: Measure K Audit
From: Office of the City Auditor
Recommendation: Receive A Report On The Measure K Performance Audit: The
City Exceeded Required Funding For Children And Youth Services
[07-1433](#)

Scheduled to *Finance & Management Committee on 6/10/2008

[View Report.pdf](#)

S-4-3 Subject: Overtime Reports
From: Councilmember Quan
Recommendation: Adopt A Resolution Requiring The City Administrator To
Produce Semiannual Overtime Reports, Including Budgeted, Year-To-Date Actual,
And Year-End Projected Overtime Expenditures
[07-1429](#)

Scheduled to *Finance & Management Committee on 6/10/2008

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S-4-4 Subject: Fourth Quarter Revenue And Expenditure Report
From: Councilmember Quan
Recommendation: Adopt A Resolution Amending Resolution No. 78615 C.M.S.
Requiring The City Administrator To Seek City Council Direction On Projected
Year-End Overspending Of Any City Agency/Department, As Reflected In
Quarterly Revenue And Expenditure Reports, To Also Require The City
Administrator To Produce A Year-End Revenue And Expenditure Report
[07-1430](#)

Continued to *Rules & Legislation Committee on 6/5/2008

for scheduling

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S-4-5 Subject: Five Year Financial Plan
From: Councilmember Quan
Recommendation: Adopt A Resolution Amending Resolution No. 77923 C.M.S.
Regarding The City Of Oakland Long-Term Financial Planning Policy To Add A
Specific Date When The Five-Year Financial Plan Is To Be Provided To The City
Council
[07-1431](#)

Scheduled to *Finance & Management Committee on 6/10/2008

[View Report.pdf](#)

S-4-6 Subject: Glen Daniels Trails/Kings Estates Open Space - New Trail
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Waiving The Competitive Request For
Proposal Process For A Pay-Go Funded Contract In The Amount Of \$40,000 With
Volunteers For Outdoor California (V-O-Cal), A Non-Profit Volunteer Trail
Building And Maintenance Organization, For Construction Of A New Trail At
Glen Daniels Trails/King Estates Open Space
[07-1432](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/17/2008**

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S-4-7 Subject: Oil Independent Task Force Action Plan
From: City Council
Recommendation: Action On A Presentation On The Action Plan From The Oil Independent Oakland By 2020 Task Force (OIO), And Seeking Committee Direction On Specific Land Use And Transportation Recommendations, Including:

1. Amending Findings For Discretionary Projects So That City Transportation/ Transit Goals Are Considered For Every Development Project
2. Instituting Traffic Impact Fees To Support Pedestrian/ Bicycle/ Transit Improvements And Goals
3. Amending The Zoning Ordinance To Allow For Co-Location Of "Custom Manufacturing"/ Flexible Space With Residential, Commercial And Other Uses To Allow For Increased Walking, Cycling And Transit
4. Preparing New Design Guidelines To Make Denser Development More Attractive To Communities
5. Directing The Next General Plan Congress To Explore A) Broad Integration Of The "Urban Village" Concept; B) Revising Criteria For Parking Requirements; C) A Directive To Create Specific Plans For Each Transportation Corridor; And D) Revising The Transfer Of Development Rights Ordinance To Provide Open Space Between Bustling Urban Villages; And E) Assuring Complementarity With Green Building Goals

[07-1434](#)

Scheduled to *Community & Economic Development Committee on 6/24/2008

S-4-8 Subject: MacArthur Transit Village Project
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The June 10, 2008 Community And Economic Development Committee Agenda The Following Pieces Of Legislation:

- 1) A Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Planned Unit Development Permit, Design Review, Conditional Use Permit) For The Project; And

[07-1236](#)

Scheduled to *Community & Economic Development Committee on 6/24/2008

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2) An Ordinance (A) Rezoning The Project Site From The C-28 Commercial Shopping, R-70 Residential High Density And The S-17 Design Review Combining Zone To The S-15 Transit Oriented Development Zone And (B) Adopting A Text Amendment To Modify Required Open Space In The S-15 Zone; And
[07-1236-1](#)

**Scheduled to *Community & Economic Development Committee on
6/24/2008**

3) An Ordinance Adopting A Development Agreement Between The City Of Oakland And MacArthur Transit Village Community Partners (MTCP);

THIS IS A TITLE CHANGE:

Conduct A Public Hearing On The MacArthur Transit Village Project (Located At The MacArthur Bart Station Between 40th Street, Telegraph Avenue, West MacArthur Boulevard And Highway 24), And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Planned Unit Development Permit, Design Review, Conditional Use Permit) For The Project; And

2) An Ordinance (A) Rezoning The Project Site From The C-28 Commercial Shopping, R-70 Residential High Density And The S-17 Design Review Combining Zone To The S-15 Transit Oriented Development Zone And (B) Adopting A Text Amendment To Modify Required Open Space In The S-15 Zone; On The June 24, 2008 Community And Economic Development Committee Agenda And As A Public Hearing On The July 1, 2008 City Council Agenda

REASON: Convening Public Hearing at July 1 City Council meeting will allow for second reading and full adoption prior to the Council's summer recess.

[07-1236-2](#)

**Scheduled to *Community & Economic Development Committee on
6/24/2008**

This item will also appear as a Public Hearing on the July 1, 2008 City Council Agenda

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- S-4-9 Subject: El Embarcadero And Lakeshore Avenue Improvements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract To Gallagher And Burk, Inc., For The Park And Street Improvements Of El Embarcadero And Lakeshore Avenue Project (Option B) In The Amount Of Four Million Four Hundred Forty-Nine Thousand Three Hundred Seventy-Eight Dollars (\$4,449,378.00) In Accordance With The Specifications For The Project And The Contractor's Bid [07-1417](#)
Scheduled to *Public Works Committee on 6/24/2008
- S-4-10 Subject: Central District Basement Backfill And Repair Program Expansion
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2008-0006 C.M.S. To:
(1) Revise And Expand The Central District Basement Backfill And Repair Program, (2) Allocate An Additional \$2,000,000 For The Revised And Expanded Program For A Total Aggregate Amount Of \$3,100,000 From Fiscal Year 2007-2009 Central District Funds, And (3) Authorize The Agency Administrator To Make Grants And Loans Under The Program Without Returning To The Agency; On The July 8, 2008 Community And Economic Development Committee Agenda
[07-1418](#)
Scheduled to *Community & Economic Development Committee on 7/8/2008
- S-4-11 Subject: Broadway/West Grand Streetscape Improvement
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Be Determined For The Broadway/West Grand Streetscape Improvement Project (P128840) For An Amount Not To Exceed \$309,964.05 And Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement For An Estimated \$547,100; And
[07-1419](#)
Scheduled to *Public Works Committee on 6/24/2008

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2) An Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed \$547,100 From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The Broadway/West Grand Streetscape Improvement Project
[07-1419-1](#)

Scheduled to *Public Works Committee on 6/24/2008

S-4-12 Subject: Oakland/Alameda Bicycle And Pedestrian Estuary Crossing
From: Community and Economic development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The City Of Alameda To Provide Ten Thousand Dollars (\$10,000.00) In City Of Oakland Measure B Bike Design And Implementation Funds For The Oakland/Alameda Bicycle And Pedestrian Estuary Crossing Feasibility Study; On The July 8, 2008 Public Works Committee Agenda
[07-1420](#)

Scheduled to *Public Works Committee on 7/8/2008

S-4-13 Subject: Two-Hour Parking Limit And New Residential Permit Parking Area
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Establishment Of A Two-Hour Parking Time Limit And Implementation Of A New Residential Permit Parking (RPP) Area "N" On Ruby Street (Between 38th And 40th Streets) And 38th Street (Between Ruby Street And Telegraph Avenue) Pursuant To California Vehicle Code § 22507 And Oakland Municipal Code Chapter 10.44; On The July 8, 2008 Public Works Committee Agenda
[07-1421](#)

Scheduled to *Public Works Committee on 7/8/2008

S-4-14 Subject: Purchase Of Real Property - 5859 Foothill Boulevard
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 5859 Foothill Boulevard, From Community Fund, LLC For \$480,000 Less The Cost Of Environmental Site Remediation And Authorizing Up To \$50,000 For Costs For Demolition And Real Estate Closing
[07-1422](#)

Scheduled to *Finance & Management Committee on 6/24/2008

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S-4-15 Subject: Caldecott Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Settlement Agreement With The California Department Of Transportation Relating To The Caldecott Improvement Project (Fourth Bore)
[07-1423](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/17/2008**
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S-4-16 Subject: Oakland Community Housing Portfolio
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation

1) An Agency Resolution Authorizing A \$65,000 Grant From The Agency's 2006 Affordable Housing Bond Fund To The John Stewart Company For Capital Improvements To And Payment Of Outstanding Payables For The Oaks Hotel At 587 15th Street;
[07-1424](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/17/2008**
[View Report.pdf](#)

S-4-17 Subject: 333 Wayne Avenue - Final Map Tract 7754
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Conditionally Approving A Final Map For Tract No. 7754 To Convert Five Rental Housing Units To Condominium Ownership At 333 Wayne Avenue
[07-1425](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/17/2008**
[View Report.pdf](#)

S-4-18 Subject: 42nd/High Street Projects Agreement Amendment
From: Community and Economic Development Agency
Recommendation: Adopt Resolution Authorizing The City Administrator Or Her Designee To Execute A Cooperative Agreement And An Amendment To The Existing Freeway Agreement With The California Department Of Transportation (CALTRANS), For The High Street Seismic Retrofit And 42nd/High Street Projects
[07-1435](#)

Scheduled to *Public Works Committee on 6/10/2008
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S-4-19 Subject: Coliseum BART Station Area Undergrounding
From: Public Works Agency
Recommendation: Adopt A Resolution Rejecting All Bids For The Coliseum
BART Station Area Underground Utility District No. 235 Project Panel
Conversion, Project No. C332110 ("Project") And Authorizing The City
Administrator, Or Her Designee, To Negotiate And Award A Construction
Contract In An Amount Not To Exceed Eighty Two Thousand Three Hundred Six
Dollars (\$82,306.00) With Summerhill Electric For The Project; On The June 24,
2008 Public Works Committee Agenda

[07-1415](#)

Scheduled to *Public Works Committee on 6/24/2008

S-4-20 Subject: C2 "C Squared" Alternative Services - Contract
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To
Execute A No-Bid Contract With C2 "C Squared" Alternative Services In An
Amount Not To Exceed \$50,000 For Five Years Beginning With Fiscal Year
2008-2009 And Ending With Fiscal Year 2013-2014 To Provide A Unique Used
Oil Recycling Educational Curriculum At Various Adult English As Second
Language (ESL) Education Venues In Oakland; On The July 8, 2008 Public Works
Committee Agenda

[07-1428](#)

Scheduled to *Public Works Committee on 7/8/2008

S-4-21 Subject: 2008-2009 Debt Management Policy And Swap Policy
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Adopting The City Of Oakland's Debt Management Policy
And Swap Policy For Fiscal Year 2008-2009; And

[07-1426](#)

Scheduled to *Finance & Management Committee on 6/10/2008

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S-4-22 Subject: 2008-2009 Investment Policy
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's
Investment Policy For Fiscal Year 2008-2009; And
[07-1427](#)

Scheduled to *Finance & Management Committee on 6/10/2008

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FROM THE JUNE 24, 2008 PUBLIC SAFETY COMMITTEE AGENDA

*This meeting will begin at 6 PM and be held in the Council Chambers. In
addition the June 24, 2008 Life Enrichment Committee meeting was cancelled.*

Subject: Emergency Management And Disaster Preparedness Council
From: Oakland Fire Department
Recommendation: Receive A Semi-Annual Report On Emergency Management And Disaster
Preparedness Council Proceedings For The Period Of July 2007 To December 2007; On The
May 27, 2008 Public Safety Committee Agenda
[07-1307](#)

***Rescheduled to *Public Safety Committee on 7/8/2008**

Subject: Project Exile - Feasibility Report
From: Vice Mayor Larry Reid
Recommendation: Receive An Informational Report Presenting The Feasibility Of Executing
Project Exile In Oakland, Including A Description Of The Program, The Success And Failures
Of The Previous Implementation In Oakland, The Affect On Overtime, Whether OPD Is
Adequately Staffed To Dedicate Staff To The Program, Whether The Necessary Federal
Agencies Can Provide The Required Assistance, And Any And All Costs Associated With The
Implementation Of The Program; On The June 24, 2008 Public Safety Committee Agenda
[07-1337](#)

***Rescheduled to *Public Safety Committee on 7/22/2008**

5 A review of the Council Committees' actions from May 27, 2008 and determination of
scheduling to the ORA/City Council meeting of June 17, 2008 or future dates (MATRIX)

**A motion was made by Member Chang to *Approve as Submitted. The
motion carried by the following vote:**

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La
Fuente

[05-29 Rules Item 5](#)
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- 6 A review of the Agendas for the Council Committees for the meeting(s) of June 10, 2008 and the Rules and Legislation Committee for the meeting of June 12, 2008
- A motion was made by Vice Mayor Reid, seconded by Member Chang, to *Approve as Submitted. The motion carried by the following vote:**
- Votes:** Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

[05-29 Rules Item 6](#)
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- 7 Action On The City Council's State Legislative Proposals And Agenda
- Subject: Bond Rating System Reform
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Supporting Reform Of The Bond Rating System To Eliminate Discrimination Against Municipal Bonds
[07-1356](#)
- A motion was made by Vice Mayor Reid, seconded by Member Chang, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 17, 2008 as a Consent Calendar item. The motion carried by the following vote:**
- Votes:** Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair 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 11:20 AM.

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