

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, February 04, 2010

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:

Vice Mayor Jean Quan, District 4; Ignacio De La Fuente, District 5; Larry Reid, District 7; and Chairperson Jane Brunner, District 1

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meeting of January 21, 2010

There are no minutes to approve as the January 21, 2010 meeting was cancelled

- 3 Determination of Schedule of Outstanding Committee Items
- Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of February 9, 2010 (SUPPLEMENTAL) (rules0204item4)

S-4-1 Subject: CalPers Extension - Gerald Simon

From: Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To Requst That The CalPers Board Of Administration Approve An Extension Of The Appointment Of Gerald A. Simon As A Temporary Service Contract Employee For Up To Three Hundred Sixty (360) Hours During The Period Of April 8, 2010 Through June 30, 2010 In Accordance With Government Code Section 2122(h); On The March 9, 2010 Public Safety Committee Agenda

(09-1181)

S-4-2 Subject: Status Of Negative Funds

From: Office Of The City Administrator

Recommendation: Receive An Informational Report On The Status Of Negative Funds; On The March 9, 2010 Finance and Management Committee Agenda

(09-1170)

S-4-3 Subject: City Golf Courses - Expenses And Revenues

From: Councilmember De La Fuente

Recommendation: Action On A Report From The Office Of Parks And Recreation On The Expenses And Revenues (Both City And Concessionaire's) Associated With All City Golf Courses; On The February 23, 2010 Finance And Management Committee Agenda

(09-1136)

S-4-4 Subject: Bicycle Car Safety Grant

From: Councilmember De La Fuente

Recommendation: Action On A Report From The Office Of The City Administration On The Balance, Oversight, Process And Procedures For Allocation Of The \$491,305 In Funding Received In October 2009 By The City Of Oakland Through The Bicycle Car Safety Grant From The State Of California's Office Of Traffic And Safety; On The February 23, 2010 Finance And Management Committee

(09-1140)

S-4-5 Subject: Mid Year Review Of FY 2009-2010

From: Council President Brunner

Recommendation: Receive A Follow-Up Report And Resolution On The Mid-Year Review Of Fiscal Year 2009-2010 Financials For The General Purpose Fund And Proposed Balancing Measures; On The February 16, 2010 Special Budget City Council Agenda

(09-1148)

S-4-6 Subject: Defend Public Education Day

From: Councilmember Quan

Recommendation: Adopt A Resolution In Support Of The March 4, 2010 Statewide Day Of Action To Defend Public Education; On The February 16, 2010 City Council Agenda

(09-1164)

S-4-7 Subject: Establishing A Fiscal Policy

From: Councilmember Ignacio De La Fuente

Recommendation: Adopt A Resolution Establishing A Fiscal Policy Requiring That Before The City Council Takes Any Action That Has A Fiscal Impact Or Cost, The Council Must (1) Identify And Approve The Funding Source To Fully Fund The Cost Of The Proposed Council Action, Such As The Approval Of Or Changes To A Policy, Program, Services, Or Positions And (2) Make Any Adjustments To The Budget That Are Necessary To Maintain A Balanced Budget; On The March 23, 2010 Finance and Management Committee Agenda

(09-1171)

S-4-8 Subject: Special Energy And Climate Workshop

From: President Jane Brunner

Recommendation: Presentation And Discussion Of Draft Energy And Climate Action Plan, Including Community Choice Aggregation; On The March 30, 2010 Special Energy And Climate Policy Workshop Meeting To Be Held At 5:00P.M.

(09-1172)

S-4-9 Subject: Priorities And Policy Topics

From: Councilmember Desley Brooks

Recommendation: Discussion And Possible Action By The Life Enrichment Committee Members On The Priority Policy Areas Of The Education Partnership Committee; On The February 23, 2010 Life Enrichment Committee Agenda

(09-1178)

S-4-10 Subject: Education Partnership Meeting

From: City Council

Recommendation: Request To Cancel Life Enrichment Committee On March 9, 2010 And Schedule A Special Education Partnership Committee In Its Place With The Following Item On The Agenda:

1. An Informational Report and Overview From PolicyLink On The U.S. Promise Neighborhoods Initiative: A Primer and Planning Guide For Organizations Interested In Replicating The Harlem Children's Zone Model

REASON: Per the Chairperson's Request

(09-1179)

S-4-11 Subject: "Secure Our Schools (SOS)" Program

From: Councilmember Desley Brooks

Recommendation: Receive An Informational Report From The Oakland Unified School District On Its "Secure Our Schools (SOS)" Program: A Joint OUSD And City Of Oakland Project To Put Security Cameras At All High Schools And Selected Middle Schools In Oakland; On The February 23, 2010 Life Enrichment Committee Agenda

(09-1180)

S-4-12 Subject: Police Academy Funding Options

From: City Council

Recommendation: Receive A Report From The Oakland Police Department Detailing Academy Funding Options To Maintain Authorized Sworn Staffing Levels Including An Analysis Of The Impact On Service Delivery For Each Option; On The March 23, 2010 Public Safety Committee Agenda

(09-1182)

S-4-13 Subject: Disparity Study - Fairness In Contracting And Purchasing

From; Department Of Contracting And Purchasing

Recommedation: A Request To Withdraw From The February 23, 2010 Community And Economic Development Committee Agenda Action On A Report On The Seven (7) Major Findings And Recommendations Of The Fairness In Contracting And Purchasing Disparity Study; And Reschedule To The March 23, 2010 Community And Economic Development Committee Agenda

Reason: Staff needs more time to compile the information required for the report

(09-1095)

S-4-14 Subject: Vietnamese Community Development, Inc.- Grant Agreement

From: Department Of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two -Year Grant Agreement With Vietnamese Community Development, Inc. To Fund Their Programs And Operations For Fiscal Years 2009-2010 And 2010-2011 In An Amount Not To Exceed \$54,000; On The February 23, 2010 Life Enrichment Committee Agenda

(09-1127)

S-4-15 Subject: Vietnamese American Community Center Of The East Bay

From: Department Of Human Services

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two -Year Grant Agreement With The Vietnamese American Community Center Of The East Bay, Inc. To Fund Their Programs And Operations For Fiscal Years 2009-2010 And 2010-2011 In An Amount Not To Exceed \$54,000; On The February 23, 2010 Life Enrichment Committee Agenda

(09-1134)

S-4-16 Subject: Mayor's Commission On Aging

From: Department Of Human Services

Recommendation: Receive A Status Report From The Mayor's Commission On Aging; On The March 23, 2010 Life Enrichment

Committee Agenda

(09-1141)

S-4-17 Subject: 500 Hegenberger Road - Major Conditional Use Permit

From: Community And Economic Development Agency

Recommendation: A Request To Withdraw From The February 16, 2010 City Council Agenda Conduct A Public Hearing to Consider an Appeal of the Approval of a Major Conditional Use Permit at 500 Hegenberger Road to Re-establish a Hotel (Transient Habitation) That Has Been Closed for Greater Than One Year and Adopting One of the Following Two Alternative Resolutions:

1) A Resolution Denying the Appeal (A09-264), thereby Upholding the Planning Commission Decision to Approve a Major Conditional Use Permit at 500 Hegenberger Road to Re-establish a Hotel (Transient Habitation) That Has Been Closed for Greater Than One Year; Or Alternatively,

(09-1102)

2) A Resolution Upholding the Appeal (A09-264), thereby Reversing the Planning Commission Decision to Approve a Major Conditional Use Permit at 500 Hegenberger Road to Re-establish a Hotel (Transient Habitation) That Has Been Closed for Greater Than One Year; And Reschedule To The March 2, 2010 City Council Agenda As A Public Hearing

REASON: Staff needs additional time for preparation and review of agenda materials associated with this item.

(09-1102-1)

S-4-18 Subject: Condominium Conversion - 939 Martin Luther King Jr. Way

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Approving A Final Map For Tract No. 7934 To Convert Seven Rental Housing Units To Condominium Ownership At 939 Martin Luther King Jr. Way; On The February 16, 2010 City Council Agenda

(09-1128)

S-4-19 Subject: Oakland Business Development Corporation

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

- 1) A Resolution Authorizing The City Administrator To Supplement The Funding For Oakland Business Development Corporation In An Amount Not To Exceed \$191,600 Of Economic Development Initiative Funds For Fiscal Years 2009-2011, In The Amount Of \$95,800 For Each Fiscal Year, And To Accept A Contribution From The Oakland Redevelopment Agency Under The Cooperation Agreement In An Amount Not To Exceed \$281,824 For Fiscal Years 2009-2011, In The Amount Of \$140,912 For Each Fiscal Year, For A New Total Contract Amount Not To Exceed \$468,552 For Each Fiscal Year, For Commercial Loan Underwriting Services; And
- 2) An Agency Resolution Authorizing A Contribution Of \$281,824 To The City Of Oakland Under The Cooperation Agreement, In The Amount Of \$140,912 Of Coliseum Redevelopment Area Funds And \$140,912 Of Central East Redevelopment Area Funds, To Supplement The Funding For Oakland Business Development Corporation For A New Total Contract Amount Not To Exceed \$468,552 For Each Fiscal Year, For Commercial Loan Underwriting Services; On The February 23, 2010 Community And Economic Development Agenda

(09-1129)

S-4-20 Subject: Oak Knoll Redevelopment Area Funds

From: Community and Economic Development Agency Recommedation: Adopt The Following Pieces Of Legislation:

1) A Resolution Dispensing With Advertising And Authorizing An Alternative Competitive Bidding Process For The Contract For Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex, According To Plans And Specifications For The Oak Knoll Demolition Project, And Authorizing The City Administrator To Award The Contract To The Lowest Responsive, Responsible Bidder Without Returning To The City Council In An Amount Not To Exceed The Engineer's Estimate Of \$180,000 For Said Demolition Work; And

- 2) A Resolution Authorizing The City Administrator To Accept And Appropriate A Contribution Of Oak Knoll Redevelopment Funds Under The Cooperation Agreement In An Amount Not-To-Exceed \$235,830 For All Costs Associated With The Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex; And
- 3) An Agency Resolution Authorizing The Contribution And Allocation Of Oak Knoll Redevelopment Area Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not-To-Exceed \$235,830 For All Costs Associated With The Demolition Of 18 Buildings Located At 4000-4009 Barcelona Street And 9020-9036 Santa Cruz Street At The Former Oak Knoll Naval Hospital Complex; On The February 23, 2010 Community and Economic Development Committee Agenda (09-1131)
- S-4-21 Subject: Major Conditional Use Permit 6400 Shattuck Avenue
 From: Community And Economic Development Agency
 Recommendation: Conduct A Public Hearing To Consider A Major
 Conditional Use Permit And Variance At 6400 Shattuck Avenue For
 Alcoholic Beverage Sales Commercial Activity And Adopting One Of The
 Following Two Alternative Resolutions:
 - 1) A Resolution Denying The Appeal (A09-220), Thereby Upholding The Planning Commission Decision To Approve A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity; Or Alternatively, (09-1133)
- 2) A Resolution Upholding The Appeal (A09-220), Thereby Reversing The Planning Commission Decision To Approve A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity; On The February 16, 2010 City Council Agenda As A Public Hearing

(09-1133-1)

S-4-22 Subject: Conditional And Revocable Permit - 610 Lancaster Street

From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting A Conditional And
Revocable Permit To Lancaster Lofts LLC To Allow A Second Story
Bedroom For A New Residence Located At 610 Lancaster Street To
Encroach Over The Public Right-Of-Way; On The February 23, 2010
Public Works Committee Agenda

(09-1158)

S-4-23 Subject: Amending The Planning Code And Zoning Maps

From: Community And Economic Development Agency Recommendation: Conduct A Public Hearing To Adopt An Ordinance Amending The Planning Code And Zoning Maps, To Reorganize And Improve The Consistency Of The Code; Minor Substantive Changes To Improve Interpretability, Clarity, And Flexibility Of The Code; And Substantive Changes To Improve Development Standards, Such As: Adding Consumer Service Activities As A Permitted Activity To The CIX2 Zone And As A Conditionally Permitted Activity In The IO Zone; Require Landscaping For Nonresidential Facilities Where Currently Not Required; Require Screening Of All New Open Parking, Loading, And Storage Areas In Commercial And Industrial Zones; Create Master Sign Program Provisions; Expand Exceptions To 1000' Separation Requirement For Alcohol Sales To Include Off-Site Sales Of Alcohol In The Jack London Square Area; Delete Additional Parking Requirements For One-Family Dwellings In R-1 Through R-30 Zones On Streets Without On-Street Parking; And Other Items.; On The February 23, 2010 Community And Economic Development Committee Agenda And As A Public Hearing On The March 2, 2010 City Council Agenda

(09-1160)

S-4-24 Subject: Eighteen Professional Services Agreements

From: Community And Economic Development Agency Recommendation: Adopt A Resolution Authorizing A Total Of Eighteen Professional Services Agreements For As-Needed Landscape Architectural Design Services - Nine Contracts For Tier I With Bruce Jett Associates, Peter Wolfe Landscape Architecture, Merrill Morris Partners, Inc., Harris Design, Cliff Lowe Associates, Keller Mitchell & Co., Inc., Restoration Design Group, Urban Design Associates, And Questa Engineering Corporation For An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000.00) Each, And Nine Contracts For Tier II With Dillingham Associates, Adrienne Wong Associates, Design, Community & Environment, Stantec Consulting, Inc., Golden Associates, Wallace Roberts And Todd, CMG Landscape Architecture, Sasaki Associates, Inc., And Bottomley Associates For An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each; On The February 23, 2010 Public Works Committee Agenda

(09-1165)

S-4-25 Subject: The Josie De La Cruz Park Phase 2

From: Community And Economic Development Agency
Recommendation: Adopt A Resolution: 1) Awarding A Contract To The
Lowest, Responsible, Responsive Bidder, Ray's Electric, Inc., For The Base
Bid Amount Of One Hundred Seventy-One Thousand Eight Hundred
Dollars (\$171,800.00) For The Construction Of The Josie De La Cruz Park
Phase 2 Improvement Project (No. C329540) In Accord With Plans And
Specifications And Contractor's Bid; 2) Accepting and Appropriating A
Grant From The Unity Council In The Amount Of Thirty-Two Thousand
Dollars (\$32,000.00) For The Project; And 3) Authorizing An Increase In
The Construction Contract Up To A Maximum Of Two Hundred
Eighty-Seven Thousand Three Hundred Dollars (\$287,300.00) To
Implement All The Bid Alternates As Additional Funds Become Available,
Without Return To Council; On The March 9, 2010 Public Works
Committee Agenda

(09-1166)

S-4-26 Subject: Rehabilitation Of Sanitary Sewers - Andes Construction

From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract
To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In
The Area Bounded By Edes Avenue, Jones Avenue And 98th Avenue
(Sub-Basin 86-003 - Project No. C268410), In The Amount Of One Million
Two Hundred Fifty-Two Thousand One Hundred Forty-Seven Dollars
(\$1,252,147.00); On The March 9, 2010 Public Works Committee Agenda

(09-1167)

S-4-27 Subject: Nine On-Call Construction Services Contracts

From: Community And Economic Development Agency
Recommendation: Adopt Resolutions Authorizing The City Administrator,
Or Designee, To Award Nine Construction Contracts For On-Call
Construction Services With Bay Construction, Beliveau Engineering, Dan
Peters Construction, DC Construction, JUV Inc., Malachi Construction,
Rockridge Builders, Turner Group Construction, And Van Every
Construction, For An Amount Not To Exceed Two Hundred And Fifty
Thousand Dollars (\$250,000.00) Each, And Waiving The Open-Market
Advertising And Bidding Requirements Of Oakland Municipal Code
Chapter 2.04 For Any On-Call Construction Work To Be Let To Said
Contractors; On The February 23, 2010 Public Works Committee Agenda
(09-1168)

S-4-28 Subject: Two Surplus Vacant Lots - Grand View Drive

From: Community & Economic Development Agency

Recommendation: Adopt An Ordinance Authorizing The Sale of Two City-Owned Surplus Vacant Lots Located Between 1522 Grand View Drive And 1600 Grand View Drive To Hillside Homes For The Total Fair Market Value Of Four Hundred Thousand Dollars \$400,000; On The March 9, 2010 Finance and Management Committee Agenda

(09-1169)

S-4-29 Subject: Local Initiatives Support Corporation - Purchase

From: Community And Economic Development Agency

Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Purchase The Local Initiatives Support Corporation \$220,000 Loan For 1662 - 1664 7th Street, 1666 7th Street, 1672 7th Street And 715 Campbell Street For Up To \$100,000; On The March 9, 2010 Community And Economic Development Committee Agenda

(09-1173)

S-4-30 Subject: Affordable Housing Activities

From: Community And Economic Development Agency
Recommendation: Adopt A Total Of Twenty-One Resolutions Regarding
Affordable Housing Activities: One Agency Resolution Appropriating
Previously Unappropriated Revenue In An Aggregate Amount Of
\$2,683,966 for The Housing Development Program; Fourteen City And
Agency Resolutions Authorizing Development Loans In An Aggregate
Amount Not To Exceed \$19,186,000 For Thirteen Affordable Housing
Projects; Four Agency Resolutions And One City Resolution To Extend
Funding Reservations For An Additional Year; And One Agency
Resolution To Modify And Extend A Site Acquisition Loan; On The
March 9, 2010 Community And Economic Development Committee
Agenda

(09-1174)

S-4-31 Subject: California Hotel - Rehabilitation & Conversion

From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Agency
Resolution No. 2008-0005 C.M.S. To Change The Recipient Of \$300,000
Grant For The Rehabilitation And Conversion Of The California Hotel To
Permanent Supportive Housing From Cahon Associates To The East Bay
Asian Local Development Corporation (Ebaldc), And Amending
Resolution No. 2008-0055 C.M.S. To Reallocate Up To \$325,000 From
The Tenant Assistance Program For Residents At Ochi Properties To The
Trustee Of The California Hotel For Emergency Operating Assistance At
The California Hotel: On The March 9, 2010 Community And Economic
Development Committee Agenda

(09-1175)

S-4-32 Subject: Two Professional Services Agreements

> From: Community And Economic Development Agency Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator, Or His Designee, To Enter Into Professional Services Agreements With Advanced Resources In Construction Services, Ltd., And The Alley Group Construction Managers To Provide Construction Monitoring Services For Affordable Housing Projects On An As-Needed Basis In An Aggregate Amount Not To Exceed Two Hundred And Fifty Thousand Dollars (\$250,000); On The March 9, 2010 Community And Economic Development Committee Agenda (09-1176)

S-4-33 Subject: Loan Modification Activity - Follow Up

> From: Community And Economic Development Agency Recommendation: Receive A Follow-Up Report On Loan Modification Activity Including 1) Options For Modifying The Linked Banking Ordinance To Include Foreclosure Statistics, 2) Alternative Options To Receive Statistics About Loan Modifications And Foreclosures, And 3) Information From Counseling Agencies And Banks Regarding Permanent Loan Modification Activities; On The March 9, 2010 Community And Economic Development Committee Agenda

(09-1177)

S-4-34 Subject: Alameda County Green Business Program

> From: Public Works Agency

Recommendation: Adopt A Resolution Waiving The Competitive RFP Selection Requirement And Authorizing The City Administrator To Enter Into A Two-Year Agreement For An Amount Not-To-Exceed Sixty Thousand Dollars (\$60,000.00) With The Association Of Bay Area Governments Balance Foundation -Alameda County Green Business Program To Provide Green Business Certification For Oakland Businesses; On The February 23, 2010 Public Works Committee Agenda

(09-1143)

S-4-35

Subject: Various Providers Of Chemical Dependency From: Department Of Human Resource Management Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute Agreements Between The City of Oakland And Various Providers Of Chemical Dependency And Mental Health Treatment Under The City Of Oakland's Self Funded Benefit For Fiscal Years 2009-2012, In An Amount Not To Exceed \$150,000 Annually; On The

February 23, 2010 Finance And Management Committee Agenda

(09-1151)

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting(s) of February 16, 2010 (rules0204item5)

Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")

7 Subject: Tracking Of Council Items From: Council President Brunner

Recommendation: Receive A Monthly Report Tracking Significant Items Passed by

Council As Identified By The Council President

(09-0488-5)

8 Subject: Amending Oakland Municipal Codes

From: City Attorney's Office

Recommendation: Adopt An Ordinance Deleting Municipal Code (OMC) Section 3.08.140 (Election Of Candidates), Amending Section 3.08.150 (Order Of Candidates Names); Deleting Section 3.12.210 (Time Periods For Expenditures); Amending 3.12.040 (Interpretation Of This Act), To Make The OMC Consistent With Ranked Choice Voting Sometimes Referred To As Instant Runoff Voting

(09-1145)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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(TDD)

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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.

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency S - Supplemental Item