



# 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>**

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**Thursday, September 22, 2011**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente  
*The Oakland City Council Rules and Legislation Committee convened at 10:53a.m., with Council President Reid presiding as Chairperson.*

1 Determinations of Closed Session

**A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted a regular Closed Session September 20, 2011 at 3:30 p.m. The motion carried by the following vote:**

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

2 Approval of the Draft Minutes

3 Determination of Schedule of Outstanding Committee Items

**A motion was made by Member Schaaf, seconded by Member Brooks, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

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4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of September 27, 2011 and the Rules and Legislation Committee Meeting of September 29, 2011 (SUPPLEMENTAL)  
**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to \*Approve with the following amendments. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

S-4.1 Subject: Mayor's Recess Ratification  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Ratifying Action Taken By The Mayor During The Oakland City Council 2011 Annual Recess In Conformance With Council's Rules Of Procedures, Resolution No. 82580 C.M.S., Dated March 10, 2010  
[11-0057](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/4/2011**  
*as a Non-Consent item.*

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[83592 CMS.pdf](#)

S-4.2 Subject: Loitering Ordinance  
From: Council President Reid And President Pro Tem De La Fuente  
Recommendation: Adopt An Ordinance Adding OMC Chapter 9.58 Prohibiting Loitering In Public For The Purpose Of Engaging In Illegal Drug Activity  
[11-0049](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente  
*as a Non-Consent item*

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S-4.3      Subject:      Juvenile Protection Curfew Ordinance  
From:          Council President Reid And President Pro Tem De La Fuente  
Recommendation: Adopt An Ordinance (1) Adding Article II To Chapter 9.12 Of The Oakland Municipal Code (OMC) To Establish A Juvenile Protection Curfew Program And (2) Amending OMC Section 1.28.020 To Codify The Penalties For Violations Of The Curfew Ordinance , And (3) Repealing Oakland Municipal Code Sections 9.12.020 And 9.12.030 Prohibiting Minors From Loitering In Public Places  
[11-0050](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the October 4, 2011 meeting. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente  
*as a Non-Consent item*

*There were two speakers on this item.*

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S-4.4      Subject:      East And West Oakland Gang Injunction  
From:          President Pro Tem De La Fuente  
Recommendation: Adopt A Resolution Amending The Policy The City Council Adopted On May 17, 2011, Which Policy Precludes Further Gang Injunctions Until The City Conducts A Study Of The Effectiveness Of The Fruitvale And North Oakland Gang Injunctions, To Authorize And Direct The City Attorney And The City Administrator To Evaluate And Bring Back Options To The Council To Initiate Gang Injunction Litigation In East And West Oakland  
[11-0051](#)

**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, that this matter be Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the October 4, 2011 meeting There were 5 speakers on this item. The motion carried by the following vote:**

**Votes:** No; 1 - Member Brooks  
Aye; 3 - Member Schaaf, Member Reid and President Pro Tempore De La Fuente  
*as a Non-Consent item*

*Vice Mayor Brooks is noted as voting No.*

*There were two speakers on this item.*

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S-4.5 Subject: Oakland Community Action Partnership Bylaws  
From: Department Of Human Services  
Recommendation: Adopt A Resolution From The Department Of Human Services' Oakland Community Action Partnership (OCAP) Amending The Community Action Agency's Bylaws To (1) Expand The Agency's Service Territory To Include Alameda County (Excluding Berkeley) And To (2) Increase The Administering Board's Membership To Eighteen (18) To Receive An Additional \$510,056 In 2011 Alameda County Community Services Block Grant (CSBG) Anti-Poverty Funds From The State Of California Department Of Community Services And Development (CSD)  
[11-0055](#)

**Scheduled to \*Life Enrichment Committee on 10/11/2011**

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S-4.6 Subject: Revocable And Conditional Permit - 5th And Kirkham  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution Granting Oakland Housing Investors LP A Revocable And Conditional Permit To Allow Electrical Transformers And Concrete Vaults To Encroach Under The Public Sidewalk Along 5th Street And Kirkham Street For A New Building Located At 1396 5th Street  
[11-0058](#)

**Scheduled to \*Public Works Committee on 10/11/2011**

*There was 1 speaker on this item.*

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S-4.7 Subject: Zoning Text Amendments  
From: Community And Economic Development Agency  
Recommendation: Adopt An Ordinance, Recommended By The Planning Commission, To: Adopt Zoning Text Amendments Including Minor Changes To Update Table 4.10.01 Of The Land Use Regulations Of The Wood Street Zoning District Consistent With The Rest Of The Oakland Planning Code, And Substantive Changes To 1) Divide Development Area 2 Into 2a And 2b. Development Area 2a Would Encompass The Pacific Cannery Lofts (PCL) Project And 2b Would Encompass The "Icehouse" Building; 2) Amend Table 4.10.01 To Conditionally Allow The Following Activities In The Following Development Areas: Development Area 2b - The "Icehouse" Property: A) General Wholesale Sales; B) Research Service; C) Research And Development; D) General Warehousing Storage And Distribution; And E) Self Mini Storage. Development Area 5 - The 16th Street Train Station Building: A) Recreational Assembly, Development Area 9 - The 16th Street Station Plaza: A) Community Assembly; B) Recreational Assembly; And C) Group Assembly.  
[11-0059](#)

**Scheduled to \*Community & Economic Development Committee on 10/11/2011**

*And as a Public Hearing on the October 18, 2011 City Council Agenda*

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S-4.8      Subject:      Planning Commission Appeal - 6045 Shirley Dr.  
From:          Community And Economic Development Agency  
Recommendation: Adopt A Resolution Denying Appeal # A 11-114 And Upholding The  
Decision Of The Planning Commission To Deny Case # DR 10-331 To Attach A 8'-4"  
Concealed Antenna/Extension To A 38'-6" Wooden Utility Pole Adjacent To 6045 Shirley  
Drive Given The Project Would Negatively Impact Significant Views From Primary Living  
Areas At 6933 Wilton Drive  
[11-0060](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 11/1/2011**

*There was 1 speaker on this item.*

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S-4.9      Subject:    Green Building Council  
From:        Community And Economic Development Agency  
Recommendation: Adopt Seven Resolutions Recognizing Project Teams For Their Commitment To Sustainability And Green Building And Congratulating Them On Attaining A Third-Party Rating Through Either The US Green Building Council's Leadership In Energy And Environmental Design And/Or A GreenPoint Rating Through Build It Green.

I. Resolution:

1. Recognizing ZETA And The Entire Project Team Including Bill Malpas; DSA Architects; Tipping Mar; And Building Sciences Corporation For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Platinum Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design For Homes Program And A GreenPoint Rating Through Build It Green For 610 Lancaster Street.
2. Recognizing Mint Condition Homes And The Entire Project Team Including Mila Zelkha And Jordan Brown For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A GreenPoint Rating Through Build It Green For The Property At 4700 Brookdale Avenue.
3. Recognizing David And Sara Gottfried And The Entire Project Team For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Platinum Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design For Homes Program And A Greenpoint Rating Through Build It Green For The Gottfried Residence.
4. Recognizing Bridge Housing Corporation And The Entire Project Team Including David Baker And Partners; JH Fitzmaurice Construction; And PGA Design For Their Commitment To Sustainability, And Green Building, And Congratulating Them On Attaining A GreenPoint Rating Through Build It Green For Ironhorse At Central Station.
5. Recognizing Mills College And The Entire Project Team Including Hathaway Dinwiddie Construction; Bohlin Cywinski Jackson; Rutherford & Chekene; Integral Group; Silverman & Light; Teecom; Charles M. Salter, Incorporated; BKF; Lutsko Associates; Hughes Associates, Incorporated; Nic Lehoux Photography; Pom Resource Group; And DPR Construction, Incorporated For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Gold Rating Through The U.S. Green Building Council's Leadership In Energy And Environmental Design New Construction Program For The Lorry I. Lokey Graduate School Of Business.
6. Recognizing Jetton Construction And The Entire Project Team Including Ingram/DeJesse Associates; Buttrick Wong Architects; Robert Harold; Rebecca Sullivan; And David Silbert For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A GreenPoint Rating Through Build It Green For The Silbert Residence.
7. Recognizing CB Richard Ellis, Inc. And The Entire Project Team Including Able Engineering Services And Crown Castle Maintenance For Their Commitment To Sustainability And Green Building, And Congratulating Them On Attaining A Gold Rating Through The U.

S. Green Building Council's Leadership In Energy And Environmental Design Operations And Maintenance Program For 505 14th Street; On The November 1, 2011 City Council Agenda As A Ceremonial Item

[11-0061](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 11/1/2011**

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S-4.10 Subject: West Bay Builders Contract Award - Coliseum Way Bridge  
From: Public Works Agency

Recommendation: Adopt A Resolution Awarding A Construction Contract To West Bay Builders, Inc., The Lowest, Responsive, Responsible Bidder, For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810), In Accord With The Project Plans And Specifications And The Contractor's Bid In The Amount Of Two Million Four Hundred Forty Nine Thousand Three Hundred Sixty-Two Dollars And Eighty-Four Cents (\$2,449,362.84)

[11-0056](#)

**Scheduled to \*Public Works Committee on 10/25/2011**

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S-4.11 Subject: Honoring Peralta Elementary School  
From: Councilmember Brunner

Recommendation: Adopt A Resolution Honoring Peralta Elementary School For Being Named A 2011 National Blue Ribbon School Award By The United States Department Of Education

[11-0053](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/4/2011**

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S-4.12 Subject: Gang Injunction Report  
From: Councilmember Nadel

Recommendation: Receive An Informational Report From The Oakland Police Department With An Objective Evaluation Of Phase 1, Year 1 Of The North Oakland Gang Injunction, To Include (1) Tracking Of Named Individuals And Post Injunction Criminal Behavior, Identifying Specific Types Of Crimes; (2) A Comparison Of Crime Data In The North Oakland Injunction Geographic Boundaries, Including Part 1 And Part 2 Crime Data For 3 Years Prior To The Injunction To The Period After The Injunction; (3) A Comparison Of Crime Data In Neighborhoods Immediately Adjacent To Injunction Geographic Boundaries, Including Part 1 And Part 2 Crime Data For 3 Years Prior To The Injunction To The Period After The Injunction; (4) Any Reports Of Retaliatory Behavior Experienced By Named Individuals, Such As Loss Of Job And/Or Threats Or Other Safety Issues; And, (5) Total Cost And Cost Breakdown Of North Oakland Phase 1 Injunction

[11-0054](#)

**Scheduled to \*Public Safety Committee on 11/8/2011**

*There was 1 speaker on this item.*

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S-4.13      Subject:    Alameda County Transportation Expenditure Plan Report  
From:        Councilmember Kaplan  
Recommendation: Receive An Update On The Progress Of The Development Of Alameda County's Transportation Expenditure Plan (Formerly Known As "Measure B") And Recommendation For Action To Add/Expand Items On Oakland's Submitted List Of Projects Seeking Funding In The Expenditure Plan  
[11-0052](#)

**Scheduled to \*Public Works Committee on 10/11/2011**

*There was 1 speaker on this item.*

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**Requests Submitted on the Dais:**

#1            Subject:    Evaluating Lighting Levels in Crime Hot Spots  
From:        Vice Mayor Desley Brooks  
Recommendation: Receive A Report From The Public Works Department In Coordination With The Oakland Police Department Evaluating The Lighting Levels In East And West Oakland Crime Hot Spots; And Authorization To Increase Lighting In Those Areas Where Lighting Is Found To Be Lower Than The City's Lighting Standards And/Or Where The Police Department Deems Additional Lighting Is Warranted  
[11-0038](#)

**\*Rescheduled to \*Public Safety Committee on 11/8/2011**

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#2            Subject:    Increase Police Staff - FY 11-13 Budget Revision  
From:        Councilmembers Schaaf And Kernighan  
Recommendation: Adopt A Resolution Revising The Adopted FY 2011 - 2013 Budget To Increase Sworn Police Staff By Up To Twelve (12) Officers  
[11-0062](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/18/2011**

*Vice Mayor Brooks is noted as voting No.*

5            A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of October 4, 2011 and the Rules and Legislation Committee Meeting of October 6, 2011  
**A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

*There was 1 speaker on this item.*



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- 6 Subject: Support ACA4 - General Obligation Bonds  
From: Public Works Agency  
Recommendation: Adopt A Resolution To Support ACA4, State Assembly Constitutional Amendment No. 4, To Allow A City, County, Or Special District, As Defined, To Incur Bonded Indebtedness In The Form Of General Obligation (GO) Bonds In Order To Fund Specified Public Improvements Or Facilities, With 55% Voter Approval Of That City, County, Or Special District  
[10-0834](#)

**\*Rescheduled to \*Rules & Legislation Committee on 9/29/2011**

*There was 1 speaker on this item.*

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

*There were 2 speakers during Open Forum.*

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:13 p.m.*

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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.

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*City Clerk and Clerk of the Council*