



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, October 15, 2009

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

1 Closed Session

The Oakland City Council Rules and Legislation Committee convened at 10:50 AM with Council President Brunner presiding as Chairperson.

2 Approval of the Draft Minutes from the Committee meetings September 24, 2009 and October 1, 2009

A motion was made by Member Reid, seconded by Member De La Fuente, to *Approve the Minutes. The motion carried by the following vote:

Votes: Excused; 1 - Member Quan

Aye; 3 - 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: Excused; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[Rul2101509](#)

[View Report.pdf](#)

4 Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting October 20, 2009(SUPPLEMENTAL)

A motion was made by Member De La Fuente, seconded by Member Quan, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[10-15 Rules Item 4](#)

[View Report.pdf](#)

S-4-1 Subject: Elmhurst Weed And Seed Initiative - Operations Funding
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 Forty-Two Thousand Dollars (\$142,000.00)
From The U.S. Department Of Justice, Office Of Justice Programs, Community
Capacity Development Office, In Support Of Fourth 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
[09-0915](#)

Scheduled to *Public Safety Committee on 11/10/2009

The following individual spoke on this item:

- Sanjiv Handa

[View Report.pdf](#)

S-4-2 Subject: Municipal Code Amendment - Cabarets
From: Councilmember Nancy Nadel
Recommendation: A Request To Re-Title An Item Already Scheduled To The
October 27, 2009 Public Safety Committee Agenda:

(OLD TITLE) Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.12, "Cabarets" To 1) Create An Exemption For "Small Cabarets" Defined As Establishments With Occupancy Load Of Less Than Fifty And With Zoning Clearance For Business's Primary Activity That Is Not Group Assembly Commercial Activity - Entertainment, 2) Create A Separate Process For Registering "Small Cabarets", And 3) Create An Exemption For Establishments Employing Disc Jockeys To Provide "Background Music" And Where The Disc Jockey Is Not A Draw For Customers

(NEW TITLE) Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.12, "Cabarets" To 1) Create An Exemption For "Small Cabarets" Defined As Establishments With Occupancy Load Of Less Than Fifty And With Zoning Clearance For Business's Primary Activity That Is Not Group Assembly Commercial Activity - Entertainment, 2) Create A Separate Process For Registering Small Cabarets, 3) Allow The Discretionary Issuance Of Late Night Permits To Cabarets To Remain Open Past 2 A.M. Through A Two-Year Pilot Program; And

2) An Ordinance Amending The Master Fee Schedule To Set And Change Fees For Small Cabaret Registration, Late Night Cabaret Permits And Cabaret Annual Renewal

[09-0623](#)

Scheduled to *Public Safety Committee on 10/27/2009

The following individual spoke on this item:

- *Sanjiv Handa*

[View Report.pdf](#)

S-4-3 Subject: Raul Godinez - Recognition
 From: Councilmembers Nancy Nadel And Larry Reid
 Recommendation: Adopt A Resolution Honoring Director Raul Godinez II For His Distinguished Leadership And Service To The City Of Oakland Public Works Agency And His Dedicated Stewardship Of Oakland's Physical And Environmental Infrastructure; On The October 20, 2009 City Council Agenda

Reason For Urgency: This Item Is Presently Scheduled For The October 20th Council Meeting. However, The Resolution Did Not Get Submitted For The 10-Day Agenda Packet. We Are Requesting An Urgency Finding To Add The Resolution To The Supplemental Packet As Mr. Godinez Will No Longer Be Available After The October 20th Council Meeting Due To His New Post In Santa Ana. Therefore, The Upcoming Council Meeting Is The Only Opportunity Where Mr. Godinez Can Be Honored.

[09-0868](#)

Scheduled to *Public Safety Committee on 10/27/2009

The following individual spoke on this item:

- Sanjiv Handa

[View Report.pdf](#)

[82340 CMS.pdf](#)

S-4-4 Subject: Do Not Mail Registry
 From: Councilmembers Nancy Nadel And Jean Quan
 Recommendation: Adopt A Resolution Urging Both The California State Legislature And United States Congress To Establish A Do Not Mail Registry That Will Give Residents The Choice To Stop Unwanted Commercial Junk Mail From Being Delivered To Their Residence Through A State And/Or Federal Registry

[09-0912](#)

Scheduled to *Rules & Legislation Committee on 11/5/2009

The following individual spoke on this item:

- Sanjiv Handa

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

S-4-5 Subject: Parks And Recreation Enterprise Facilities Impact
From: Councilmember Nancy Nadel
Recommendation: Action On A Repot 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; On The December 1, 2009 Life Enrichment
Committee Agenda
[09-0913](#)

Scheduled to *Life Enrichment Committee on 12/1/2009

The following individual spoke on this item:

- Sanjiv Handa

S-4-6 Subject: The Jobs/Housing Impact Fee
From: Community And Economic Development Agency
Recommendation: A Request To Withdraw From The October 27, 2009
Community And Economic Development Committee Agenda An Ordinance
Amending Oakland Municipal Code Chapter 15.68, The Jobs/Housing Impact Fee
And Affordable Housing Trust Fund, To Correct The Definition Of
"Warehouse/Distribution]; With No New Date

Reason: The Process Of Reconciling All Definitions And References In The Current
Jobs/Housing Impact Fee To Recent Changes In The Planning Code, While Ensuring
No Substantive Changes, Is Proving More Extensive Than Expected.

[09-0855](#)

***Withdrawn with No New Date**

The following individual spoke on this item:

- Sanjiv Handa

S-4-7 Subject: 2009-2011 Park Projects
From: Community and Economic Development Agency
Recommendation: A Request To Schedule And Re-Title The Following Item:

(OLD TITLE) A Resolution Adopting The Updated Fiscal Year 2009-2011 Park Project Prioritization List For City Of Oakland Park Capital Improvement Projects And Authorizing The City Administrator, Or His/Her Designee, To Apply For Grants Without Further Council Action For Projects On The Park Project Prioritization List;

(NEW TITLE) A Resolution Adopting The Updated Fiscal Year 2009-2011 Park Project Prioritization List For City Of Oakland Park Capital Improvement Projects; On The October 27, 2009 Public Works Committee

[09-0874](#)

Scheduled to *Community & Economic Development Committee on 10/27/2009

The following individual spoke on this item:

- Sanjiv Handa

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

S-4-8 Subject: Comprehensive Marketing Campaign Implementation
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) 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 2009/2010; And

[09-0903](#)

Continued to *Rules & Legislation Committee on 10/29/2009

2) 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; On The December 1, 2009 Community And Economic Development Committee Agenda
[09-0903-1](#)

Continued to *Community & Economic Development Committee on 10/29/2009

The following individual spoke on this item:
- Sanjiv Handa

S-4-9 Subject: Coliseum Redevelopment Project Area - Amendment Eight
From: Community and Economic Development Committee
Recommendation: Adopt An Ordinance Adopting The Eighth Amendment To The Coliseum Redevelopment Project Area Authorizing The City Administrator To Extend The Eminent Domain Authority For An Additional Twelve Years, From July 2007 To July 2019, And To Confirm And Set A Bonded Indebtedness Limit; On The December 1, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The December 8, 2009 City Council Agenda
[09-0904](#)

Scheduled to *Community & Economic Development Committee on 12/1/2009

and as a Public Hearing on the December 8, 2009 City Council agenda

The following individual spoke on this item:
- Sanjiv Handa

S-4-10 Subject: Historic Preservation Study - Highland Hospital
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Owner Participation Agreement With The County Of Alameda To Grant \$415,000 Of Central City East Redevelopment Funds For A Historic Preservation Study And Minor Infrastructure Improvements Along 14th Avenue For The Alameda County Medical Center Highland Hospital Campus; On The December 1, 2009 Community And Economic Development Committee Agenda
[09-0905](#)

Scheduled to *Community & Economic Development Committee on 12/1/2009

The following individual spoke on this item:
- Sanjiv Handa

S-4-11 Subject: Business Improvement Districts - Annual Reports
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

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

[09-0906](#)

Scheduled to *Community & Economic Development Committee on 12/1/2009

*The following individual spoke on this item:
- Sanjiv Handa*

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; On The December 1, 2009 Community And Economic Development Committee Agenda

[09-0906-1](#)

Scheduled to *Community & Economic Development Committee on 12/1/2009

S-4-12 Subject: Redevelopment Project Areas - Five Year Implementation Plan
From: Community and Economic Development Agency
Recommendation: Adopt Resolutions Adopting Five-Year Implementation Plans For The Acorn, Broadway/MacArthur/San Pablo, Central District, Coliseum, Oak Center, Oakland Army Base And Stanford/Adeline Redevelopment Project Areas; On The December 1, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The December 8, 2009 City Council Agenda

[09-0907](#)

Scheduled to *Community & Economic Development Committee on 12/1/2009

and as a Public Hearing on the December 8, 2009 City Council agenda

S-4-13 Subject: Real Property Purchase - 5844 Bancroft Avenue
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 5844 Bancroft Avenue, In The Central City East Redevelopment Project Area, From Robert Fields For \$240,000, Less The Cost Of Any Environmental Site Remediation, And Authorizing Up To \$85,000 For Demolition, Removal And Disposal Of Any Demolition Related Hazardous Materials, And Real Estate Closing Costs
[09-0908](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009
[View Report.pdf](#)

S-4-14 Subject: Bay Area World Trade Center - Business Plan
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Waiving The Competitive Request For Proposals/Qualifications Process And Authorizing The Agency Administrator To Negotiate And Execute A Professional Services Agreement With Olivia Global Communications In An Amount Not To Exceed Twenty Four Thousand Nine Hundred Fifty Dollars (\$24,950) To Develop A Comprehensive, Strategic Business Plan To Develop The Bay Area World Trade Center
[09-0909](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009

S-4-15 Subject: Gazzali's Supermarket - Grant
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$65,000 Grant To Gazzali's Supermarket From Central City East Redevelopment Project Area Funds To Pay Off An Economic Development Administration Working Capital Loan And Maintain The Supermarket's Operation
[09-0911](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009

S-4-16 Subject: San Pablo Pedestrian Streetlights
 From: Public Works Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating Up To An Additional \$350,000 From The
Broadway/MacArthur/San Pablo Tax Allocation Bond Series 2006C-TE To The
City Of Oakland Under The Cooperation Agreement For The San Pablo Golden
Gate District Pedestrian Streetlights Project, Increasing The Total Project Budget
From \$1,500,000 To \$1,850,000; And

[09-0833](#)

Withdrawn and Rescheduled to *Public Works Committee on 11/10/2009

[View Report.pdf](#)

2) A Resolution Accepting An Additional \$350,000 Contribution From The Redevelopment
Agency Under The Cooperation Agreement For The San Pablo Pedestrian Streetlights Project,
For A Total Project Budget Of \$1,850,000, And Waiving The City's Competitive Bidding
Requirement And Increasing The Contract With Ray's Electric In The Amount Of \$218,000, For
A Total Contract Amount Of \$835,000 For The Project

[09-0833-1](#)

Withdrawn and Rescheduled to *Public Works Committee on 11/10/2009

S-4-17 Subject: 2935 Telegraph Avenue - Tree Removal Appeal
 From: Public Works Agency
 Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying The Appeal, Filed By Scott Harrison And Terry Hill, Of The
Public Works Agency's Decision To Approve The Issuance Of Tree Removal Permit
T09-00020 For 2935 Telegraph Avenue

[09-0910](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/20/2009**

The following individual spoke on this item:

- John Truxaw

[View Report.pdf](#)

[82355 CMS.pdf](#)

S-4-18 Subject: 2008-2009 Workforce Investment Subcontracts
From: Office of the Mayor
Recommendation: Adopt A Resolution Amending Resolution No. 82058 C.M.S. To Accept And Appropriate An Additional \$633,666 In Fiscal Year 2008-2009 American Recovery And Reinvestment Act (ARRA) Workforce Investment Act Title 1 Adult And Dislocated Workers Employment Funds, And Allocating Said Funds To The Oakland Private Industry Council, Inc., As The Oakland Workforce Investment System Administrator To Designated Adult Service Providers
[09-0916](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009
[View Report.pdf](#)

ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Workforce Investment Board Contracts
From: Council President Jane Brunner
Recommendation: Adopt A Resolution To Approve All Workforce Investment Board (WIB) Funded Contracts For Fiscal Year 2009-2010, Including The Total Budget, Amount For Each Contract, Service Goals And Past Evaluations For Each Contract
[09-0281](#)

Scheduled to *Community & Economic Development Committee on 12/15/2009
[View Report.pdf](#)

Subject: 2009-2010 Workforce Investment Board Contracts & Budget Approval
From: Office of the Mayor
Recommendation: Receive A Status Report On The Workforce Investment Board (WIB) Fiscal Year 2009-2010 Contracts, Budget, Service Goals And Past Evaluations
[09-0542](#)

***Withdrawn with No New Date**
[View Report.pdf](#)
[View Supplemental Report.pdf](#)

Subject: Bradley C. Walters - Recognition
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Honoring And Celebrating The Life Of Bradley C. Walters (July 1938 - August 2009)
[09-0886](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/20/2009
[View Report.pdf](#)
[82339 CMS.pdf](#)

Subject: Oakland Business Expansion
From: Community and Economic Development Agency
Recommendation: Receive A Report On Current City Programs And Services And Recommendations For New Initiatives To Assist In The Expansion Of Existing Oakland Businesses
[09-0917](#)

Scheduled to *Community & Economic Development Committee on 1/12/2010

Subject: Effective Public Safety Programs
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Urging The District Attorney Of Alameda County To Stop Pursuing The Death Penalty And To Invest In Solving Homicides, Violence Prevention, And Effective Public Safety Programs
[09-0918](#)

Scheduled to *Public Safety Committee on 11/10/2009

Subject: Workforce Investment Board Contracts - Evaluation
From: Council President Jane Brunner
Recommendation: Receive An Updated Evaluation On The Workforce Investment Board (WIB) Funded Contracts For Fiscal Year 2008-2009 With Performance Data Verified By Providers
[09-0919](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009
[View Report.pdf](#)

Subject: Workforce Investment Board Contracts - Timeline
From: Council President Jane Brunner
Recommendation: Receive A Status Report And Timeline On The Implementation Of The Workforce Investment Board (WIB) Funded Contracts For Fiscal Year 2009-2010
[09-0920](#)

Scheduled to *Community & Economic Development Committee on 11/10/2009
[View Report.pdf](#)

Subject: City Park Facility Management
From: Council President Brunner
Recommendation: Receive A Status Report On The Process And Criteria Being Used To Allow Private Companies To Use And/Or Manage City Park Facilities
[09-0921](#)

Scheduled to *Life Enrichment Committee on 11/10/2009

Subject: School Playground Agreements
From: Council President Brunner
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Joint Facilities Use Agreement With Oakland Unified School District Regarding School Playgrounds; On The December 1, 2009 Life Enrichment Committee Agenda
[09-0922](#)

Scheduled to *Life Enrichment Committee on 12/1/2009

- 5 A review of the Council Committees' actions from October 13, 2009 and determination of scheduling to the ORA/City Council meeting of October 20, 2009 or future dates (MATRIX)

A motion was made by Member De La Fuente, seconded by Member Quan, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

[10-15 Rules Item 5](#)

[View Report.pdf](#)

- 6 A review of the Agendas for the Council Committees for the meetings of October 27, 2009 and the Rules and Legislation Committee for the meeting of October 29, 2009

The October 27, 2009 Public Works Committee will begin at 10:00 AM

The October 27, 2009 Finance and Management Committee will begin at 11:30 AM

The following individual spoke on this item:

- Sanjiv Handa

[10-15 Rules Item 6](#)

[View Report.pdf](#)

- 7 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")

The following individual spoke on this item:

- Sanjiv Handa

[09-0188](#)

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

S-8 Subject: Boards And Commissions Vacancy Report
 From: Council President Jane Brunner
 Recommendation: Receive A Status Report And List Of Vacancies On All City Of Oakland
 Boards And Commissions, Along With The Date Vacated
 [09-0718](#)

The following individual spoke on this item:

- *Sanjiv Handa*
[View Report.pdf](#)
[View Supplemental Report.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual spoke under Open Forum:

- *Sanjiv Handa*

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:21 PM

NOTE: Americans With Disabilities Act
 If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit
Phone: (510) 238-6406
Fax: (510) 238-6699
Recorded Agenda: (510) 238-2386
Telecommunications Display Device: (510) 839-6451
[TDD](#)

* 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