



# 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>**

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**Thursday, April 10, 2008**

**10:30 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

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Excused: Chair De La Fuente

Present: Member Chang, Vice Mayor Reid and Member Brunner

*The Oakland City Council Rules and Legislation Committee convened at 10:46 AM with Councilmember Jane Brunner presiding as Chairperson.*

1 **Closed Session**

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

**Votes:** Absent; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner

*The Office of the City Attorney scheduled a Closed Session for Tuesday, April 15, 2008 for 4 PM - 6 PM.*

2 **Approval of the Draft Minutes**

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

**Votes:** Absent; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner

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

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

**Votes:** Absent; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner

[rules 04-10-08](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of April 15, 2008 (SUPPLEMENTAL)

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

**Votes:** Absent; 1 - Chair De La Fuente  
Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner

S-4-1 Subject: Bay Area Task Force - Reimbursements  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Accept And Appropriate Reimbursement Funds In An Amount Not-To-Exceed Twenty Thousand Dollars (\$20,000) In Federal Funds From The Department Of Justice, United States Drug Enforcement Administration (USDEA) To The Oakland Police Department (OPD) In Overtime Costs For Six (6) Police Officers And One (1) Sargeant For The Period Of March 15, 2008 To June 30, 2008 For Work Associated With The USDEA Greater East Bay Area Task Force (DEA Task Force)

[07-1243](#)

**Scheduled to \*Public Safety Committee on 5/13/2008**

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S-4-2 Subject: Pastors David And Marilyn Kiteley - Recognition  
From: Council President De La Fuente  
Recommendation: Adopt A Ceremonial Resolution Honoring And Congratulating Retiring Shiloh Senior Pastors David And Marilyn Kiteley On Twenty-Two Years Of Service

[07-1234](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 4/15/2008**

*The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2) regarding scheduling of this Item: that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action {relates to a purely ceremonial or commendatory action.*

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S-4-3      Subject:      Misdemeanor Prosecution Program  
From:          Vice Mayor Larry Reid/Council President De La Fuente/The Mayor  
Recommendation: Adopt A Resolution On The City's Community Misdemeanor  
Prosecution Program As Part Of The City's Crime-Fighting Strategic Plan And  
Authorizing The Appropriation Of Funds To Begin Implementation Of This  
Program In The Fall Of 2008  
[07-1235](#)

**Scheduled to \*Public Safety Committee on 5/13/2008**

*The following individual spoke on this item:*

- *Sanjiv Handa*  
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S-4-4      Subject:      Bike To Work Day - 2008  
From:          Councilmember Desley Brooks  
Recommendation: Adopt A Resolution Proclaiming Thursday, May 15, 2008, As  
The City Of Oakland's 15th Annual Bike To Work Day, And May 2008 As City Of  
Oakland Bike Month  
[07-1238](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 5/6/2008**

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[81240 CMS.pdf](#)

S-4-5      Subject:      Special Victims Unit Statistics  
From:          Vice Mayor Larry Reid  
Recommendation: Receive An Informational Report On The Number Of  
Investigators Assigned To OPD's Special Victims Unit (SVU), The Number Of  
Cases Assigned To Each Investigator, Including Historical Information Regarding  
OPD's Previous Staffing Levels, The Adverse Affect This Shortage Has On  
Community Policing, Police Officers, And The Community; And OPD's Plans To  
Increase The Number Of SVU Investigators  
[07-1244](#)

**Scheduled to \*Public Safety Committee on 5/13/2008**

*The following individual spoke on this item:*

- *Sanjiv Handa*  
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S-4-6      Subject:    Older Americans Month  
From:        Councilmember Henry Chang  
Recommendation: Adopt A Resolution Declaring May 2008 As National Older Americans Month  
[07-1245](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/6/2008**

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[81241 CMS.pdf](#)

S-4-7      Subject:    Priority Project Funds - District Five  
From:        Council President De La Fuente  
Recommendation: Adopt A Resolution Authorizing A Grant From Council President De La Fuente's Priority Project Funds To Cover Food And Entertainment Costs For Earth Day At Cesar Chavez Park In The Amount Of \$500.00; On The April 15, 2008 City Council Agenda  
[07-1247](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 4/15/2008**

*The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2) regarding scheduling of this Item: that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.*

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S-4-8      Subject:      Support Of Assembly Bills 2760, 2763, And 2765  
From:          Councilmembers Nadel and Brunner  
Recommendation: Adopt A Resolution In Support Of The Following State Assembly Bills Regarding Pesticide Spraying And Directing City Lobbyists To Advocate For Provisions In These Bills That Ensure Independent Verification Of Program Safety Prior To Any Aerial Pesticide Application Over Urban Areas:  
a)    AB2760 (Leno) Would Require That An Environmental Impact Report Be Completed Before The State Agricultural Department Could Apply Pesticides In Urban Areas For The Eradication Of The Light Brown Apple Moth.  
b)    AB2763 (Laird) Would Require The State Department Of Food And Agriculture To Prepare A List Of Invasive Species That Might Enter The State And Prepare A Written Assessment For The High Priority Species, Describing Eradication, Control, Management, Including Which Chemicals Might Be Used.  
c)    AB2765 (Huffman) Would Require A Public Hearing And The Examination Of Alternatives To Aerial Spraying Before Any Decision To Do So. It Also Requires Full Disclosure Of All Pesticide Components And To Seek Independent Certification Of Their Safety. (TITLE CHANGE)  
[07-1248](#)

**Scheduled to \*Rules & Legislation Committee on 4/24/2008**

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S-4-9      Subject:      MacArthur Transit Village Project  
From:          Community and Economic Development Agency  
Recommendation: 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  
[07-1236](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2008**

*and also as a public hearing on on June 17, 2008*

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  
6/10/2008**  
*and also as a public hearing on on June 17, 200*

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  
6/10/2008**  
*and also as a public hearing on on June 17, 200*

S-4-10      Subject:    Business Services Contract  
From:        Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency Administrator To Circulate A Request For Proposals, Select A Contractor, And Negotiate And Execute A Professional Services Contract For Business Retention, Expansion And Support Services For Fiscal Year 2008-2010 Without Returning To The Agency In An Amount Not To Exceed \$600,000; And Authorizing An Amount Not To Exceed \$18,000 (3%) For Contract Compliance; And

[07-1237](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2008**

*The following individual spoke on this item:*

- Sanjiv Handa

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S-4-11      Subject:    Skyline Boulevard Restoration  
From:        Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Appropriate \$128,000.00 For Emergency Clean-Up, Slide Stabilization, Slide Monitoring, And For Preventive Measures Resulting From A Slide On Skyline Boulevard; 2) Appropriate \$158,000.00 For Skyline Boulevard Emergency Roadway Opening Project; 3) Appropriate \$1,317,000.00 For Skyline Boulevard Emergency Permanent Restoration Project; and 4) Waive Advertising And Award Emergency Construction Contracts Through A Modified Competitive Bid Process To The Local Lowest Responsible Responsive Bidders Without Return To Council

[07-1239](#)

**Scheduled to \*Public Works Committee on 5/13/2008**

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[81325 CMS.pdf](#)

S-4-12      Subject:    Local Street And Road Rehabilitation  
From:        Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate An Additional \$5,400,000.00 Of Fiscal Year 2007-2008 Proposition 1B Transportation Funds For Local Street And Road Rehabilitation

[07-1240](#)

**Scheduled to \*Public Works Committee on 5/13/2008**

*The following individual spoke on this item:*

- Sanjiv Handa

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S-4-13      Subject:      27th Street - Class II Bicycle Lane Installation  
From:            Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing Installation Of Class II Bicycle Lanes On 27th Street By Reducing Travel Lanes From Six (6) Through Lanes To Four (4) Through Lanes Between San Pablo Avenue And Harrison Street  
[07-1241](#)

**Scheduled to \*Public Works Committee on 5/13/2008**

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[81290 CMS.pdf](#)

S-4-14      Subject:      Bicycle Program Grants - 2008-2009  
From:            Community and Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Apply For, Accept, And Appropriate Up To One Hundred Ninety-Seven Thousand Six Hundred And Seventy-Two Dollars (\$197,672.00) In Fiscal Year 2008-2009 State Transportation Development Act Article 3 Funds As Follows: (1) City Racks Bicycle Parking Program, Phase VII, Twenty-Two Thousand Six Hundred Seventy-Two Dollars (\$22,672.00); (2) Stanford Avenue Bicycle Crossing, Twenty-Five Thousand Dollars (\$25,000.00); (3) 27th Street/Bay Place Bikeway, Broadway To Grand Avenue, Fifty Thousand Dollars (\$50,000.00); (4) On-Call Curb Ramp Project, Phase B, Fifty Thousand Dollars (\$50,000.00); And (5) Lakeshore Avenue Bikeway Project, Fifty Thousand Dollars (\$50,000.00)  
[07-1242](#)

**Scheduled to \*Public Works Committee on 5/13/2008**

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S-4-15      Subject:      Downtown Community Benefit District 2008  
From:            Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Intention To Form The Downtown Community Benefit District Of 2008, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 15, 2008; And  
[07-1249](#)

**Scheduled to \*Community & Economic Development Committee on 5/13/2008**

*and as a Public Hearing on the July 15, 2008 City Council agenda*

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2) A Resolution Authorizing The City Administrator To Sign The Ballot For The Five City-Owned Properties On Which An Assessment Is To Be Levied (APNS: 003 0065 009 02, 003 0067 001 00, 003 0067 002 00, 008 0619 008 01, 008 0620 014 04) To Support The Formation Of The Downtown Oakland Community Benefit District Of 2008; And  
[07-1249-1](#)

**Scheduled to \*Community & Economic Development Committee on 5/13/2008**

*and as a Public Hearing on July 15, 2008*

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S-4-16      Subject:      Lake Merritt/Uptown Community Benefit District 2008  
From:      Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Intention To Form The Lake Merritt/Uptown Community Benefit District Of 2008, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 15, 2008;  
And  
[07-1250](#)

**Scheduled to \*Community & Economic Development Committee on 5/13/2008**

*and also as a Public Hearing July 15, 2008*

*The following individual spoke on this item:*

- Sanjiv Handa  
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2) Resolution Authorizing The City Administrator To Sign The Ballot For the Five City-Owned Properties On Which An Assessment Is To Be Levied (APNS: 008 0623 006 01, 008 0635 001 00, 008 0649 005 00, 008 0655 006 00, 010 0768 004 00) To Support The Formation Of The Lake Merritt/Uptown Community Benefit District Of 2008  
[07-1250-1](#)

**Scheduled to \*Community & Economic Development Committee on 5/13/2008**

*and also as a public hearing on on July 15, 2008*

[81331 CMS.pdf](#)

S-4-17      Subject:      Oakland Unified - Joint Facilities Agreement  
 From:            Office of Parks and Recreation  
 Recommendation: Adopt A Resolution Authorizing The City Administrator To  
 Execute A Joint Facilities Use Agreement With Oakland Unified School District For  
 A Five-Year Term Beginning July 1, 2008 And Ending June 30, 2013  
[07-1246](#)

**Scheduled to \*Life Enrichment Committee on 5/27/2008**

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Subject:      (A Motion To Reconsider) Arcadia Park Subdivision - New Public Street  
 From:            Community and Economic Development Agency  
 Recommendation: A Motion To Reconsider The Adoption On November 6, 2007, Of Resolution  
 No. 80922 C.M.S. Conditionally Accepting The Dedication of Public Right Of Way To Extend  
 Ellington Way To 92nd Avenue For The Arcadia Park Project

If Reconsidered, Either To

§    Reconfirm The Adoption Of Resolution No. 80922 C.M.S., Or

§    Not Adopt A Resolution Conditionally Accepting The Dedication, Or To

§    Continue The Item For A Future Meeting Of The City Council, Or To

§    Refer The Item To The Public Works Committee For Further Consideration  
[07-0610](#)

**\*Withdrawn and Rescheduled to Concurrent Meeting of the Oakland  
 Redevelopment Agency / City Council on 5/6/2008**

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[04-10-08 Rules Item](#)

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5            A review of the Council Committees' actions from April 8, 2008 and determination of  
 scheduling to the ORA/City Council meeting of April 15, 2008 or future dates (MATRIX)  
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**A motion was made by Vice Mayor Reid, seconded by Member Chang, to  
 \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Excused; 1 - Chair De La Fuente

Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner

*The following individual spoke on this item:*

*- Sanjiv Handa*

[04-10-08 Rules 5](#)

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6 A review of the Agendas for the Council Committees for the meetings of April 22, 2008 and the Rules and Legislation Committee meeting of April 24, 2008

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

**Votes:** Excused; 1 - Chair De La Fuente  
Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner  
*The following individual spoke on this item:*  
- Sanjiv Handa

[04-10-08 Rules 6](#)

**FROM THE APRIL 22, 2008 PUBLIC SAFETY COMMITTEE AGENDA**

Subject: Equipment Purchase - TASER X26 Conducted Energy Weapon  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To: 1) Waive the Competitive Bid Process, 2) Purchase Four Hundred Fifty (450) TASER X26 Conducted Energy Weapons And Associated Equipment From TASER International, Inc., In An Amount Not To Exceed Six Hundred Forty-Five Thousand, And Five Dollars (\$645,005) For Deployment To All Sworn, Uniformed, Police Personnel, And 3) Appropriate Funds In The Amount Of Fifty-Five Thousand Dollars (\$55,000) Annually To The Police Department To Cover Annual And Recurring Costs Associated With Full Deployment Of The TASER Conducted Energy Weapons  
[07-0901](#)

**\*Withdrawn and Rescheduled to \*Public Safety Committee on 5/27/2008**  
[View Report.pdf](#)

Subject: Permitted Bingo Operations - Annual Hall Fees  
From: Oakland Police Department  
Recommendation: Action On A Report On 2006 Results Of Permitted Bingo Operations And A Proposed Ordinance Amending OMC 5.1040 To Require A Permit For Bingo Halls, And Amending OMC 5.10.110 To Reflect The Annual Bingo Hall Fee Is Contained In The Master Fee Schedule  
[07-1233](#)

**\*Withdrawn and Rescheduled to \*Public Safety Committee on 5/27/2008**

7 Subject: State Legislative Proposals And Agenda  
From: City Council  
Recommendation: Action On The City Council's State Legislative Proposals And Agenda  
[07-0948](#)  
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Subject: Support Of Assembly Bill 2513  
 From: City Council  
 Recommendation: Adopt A Resolution To Support Assembly Bill 2513 (Caballero) Giving Funding Priority To Housing And Housing-Related Infrastructure Projects Located In Jurisdictions With Increased Shares Of Regional Housing Need  
[07-1205](#)

**A motion was made by Vice Mayor Reid, seconded by Member Chang, that this matter be \*Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 15, 2008 as a Consent Calendar item. The motion carried by the following vote:**

**Votes:** Excused; 1 - Chair De La Fuente  
 Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner  
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Subject: Support Of Assembly Bills 2566 And 2696  
 From: City Council  
 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution In Support Of Assembly Bill 2566 (Hancock) - "Firearms: Prohibitions" Which Makes Changes To Existing Law, Permitting Cities, Counties And City And Counties To Regulate The Possession Of Handguns Without Preemption By State Law (TITLE CHANGE);  
 And  
[07-1206](#)

**A motion was made by Vice Mayor Reid, seconded by Member Chang, that this matter be \*Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on April 15, 2008. The motion carried by the following vote:**

**Votes:** Excused; 1 - Chair De La Fuente  
 Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner  
*The Committee bifurcated the motion and separated Assembly Bill 2566 and Assembly Bill 2696 into two pieces of Legislation:*

*The Committee approved staff recommendations on Assembly Bill 2566 by the following vote: 3 Ayes, 1 Excused - De La Fuente*

*The Committee also directed staff to submit in a supplemental report a more detailed analysis of Assembly Bill 2696 including support and opposition and information as to the position of the Mental Health Community on the bill; 2 Ayes, 1 Abstain - Brunner, 1 Excused - De La Fuente*  
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Subject: Analysis Of Assembly Bill 2062 And Assembly Bill 2235  
From: City Council  
Recommendation: Action On The Analyses Of Assembly Bill 2062 (De Leon) - Ammunition: Maintenance Of Records For Sales And Transfers And Assembly Bill 2235 (Desaulnier) - Firearms: Technical, Non-Substantive Change To Penal Code Section 12126 To Amend The Definition Of "Unsafe Handgun  
[07-1207](#)

**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 May 6, 2008 as a Consent Calendar item. The motion carried by the following vote:**

**Votes:** Excused; 1 - Chair De La Fuente  
Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner  
*The following individual spoke on this item:*  
- Sanjiv Handa  
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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

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*The following individual spoke under open forum:*  
- Sanjiv Handa

**Adjournment**

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*There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:54 AM.*

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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*