

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, February 21, 2008

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Excused: Member Reid

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

*The Oakland City Council and Legislation Committee convened at 10:45 AM, ,
with Councilmember President De La Fuente presiding as Chairperson.*

1 **Closed Session**

The office of the City Attorney scheduled a Closed Session for Tuesday, March 4, 2008 from 4:00 PM to 6:00 PM.

2 **Approval of the Draft Minutes from the Committee meetings of January 31, 2007 and February 7, 2008**

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

Votes: Excused; 1 - Member Reid

Aye; 3 - Vice Mayor Chang, Member Brunner and Chair De La Fuente

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

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

Votes: Excused; 1 - Member Reid

Aye; 3 - Vice Mayor Chang, Member Brunner and Chair De La Fuente

There was no action necessary for this item

[02-21 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of February 26, 2008 (SUPPLEMENTAL)

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

Votes: Excused; 1 - Member Reid

Aye; 3 - Vice Mayor Chang, Member Brunner and Chair De La Fuente

An urgency finding was made by Councilmember Brunner for exclusion of the Oakland Chamber of Commerce report as a supplemental for Item #7 of the February 26, 2008 Community and Economic Development Committee Meeting

S-4-1 Subject: Winter Storm Local Emergency - Discontinuation
From: Oakland Fire Department
Recommendation: Adopt A Resolution Terminating The City Council's Declaration Of A Local Emergency Due To The Severe Impacts And Calamities Caused By The Series Of Winter Storms That Commenced On Or About January 3, 2008; On The March 4, 2008 City Council Agenda
[07-1073](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008

S-4-2 Subject: Oil Spill Local Emergency - Discontinuation
From: Oakland Fire Department
Recommendation: Adopt A Resolution Terminating The City Council's Declaration Of A Local Emergency Due To The November 7, 2007 Catastrophic Oil Spill In The San Francisco Bay That Occurred When M/V Cosco Busan, A Container Ship Side Swiped One Of The Bay Bridge Western Anchorages; On The March 4, 2008 City Council Agenda
[07-1074](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008

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S-4-3 Subject: 2007-2008 Bicycle And Car Seat Traffic Safety Program
From: Oakland Police Department
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 Two Hundred Twenty-One Thousand One Hundred
Forty-Seven Dollars (\$221,147) From The State Of California, Office Of Traffic
Safety, For Implementation Of The 2008/2009 Bicycle And Car Seat Traffic Safety
Program In The Police Department; On The April 8, 2008 Public Safety Committee
Agenda

[07-1069](#)

***Rescheduled to *Public Safety Committee on 4/8/2008**

S-4-4 Subject: 2008 Solving Cold Cases With DNA Grant Program
From: Oakland Police Department
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 Four Hundred Fifty-Four Thousand Seven Hundred And
Forty Dollars (\$454,740) From The U.S. Department Of Justice, National Institute
Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2008 Solving Cold
Cases With DNA Grant Program In The Police Department; On The April 8, 2008
Public Safety Committee Agenda

[07-1070](#)

***Rescheduled to *Public Safety Committee on 4/8/2008**

S-4-5 Subject: 2008-2009 Selective Traffic Enforcement Program
From: Oakland Police Department
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 Three Hundred Eight Thousand Seventy Dollars (\$308,070)
From The State Of California, Office Of Traffic Safety, For Implementation Of The
2008/2009 Selective Traffic Enforcement Program In The Police Department; On
The April 8, 2008 Public Safety Committee Agenda

[07-1071](#)

Scheduled to *Public Safety Committee on 4/8/2008

The following individual(s) spoke on this item:

- Sanjiv Handa

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S-4-6 Subject: AST Corporation Contract
From: The Budget Office
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Services Agreement With AST Corporation To Provide Consulting Services For The Implementation Of The Oracle Public Sector Budgeting Computerized System In An Amount Not-To-Exceed \$525,000.00, And Appropriating Five Hundred Twenty Five Thousand Dollars (\$525,000.00) From The Telecommunications Land Fund (1770), Balance To The Telecommunications Land Use Fund (1770), Capital Improvement Project - Information Technology (94461), Miscellaneous Contract Services (54919), Oracle Public Sector Budgeting (C336510), And Application Development And Administration (IP69)
[07-1066](#)
Scheduled to *Finance & Management Committee on 3/11/2008
[View Report.pdf](#)

S-4-7 Subject: Comcast Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland V. Comcast Of California/Colorado LLC, Comcast Corporation, Does 1-10, Case No. C065380 CW - U.S. District Ct., Northern District Of California
[07-1058](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008
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S-4-8 Subject: Metropolitan Golf Course - Lease Amendment
From: Councilmember Larry Reid
Recommendation: A Request To Withdraw From The March 11, 2008 Life Enrichment Committee A Report And Recommendation To Amend The Existing Lease With Oakland Golf LLC For The Metropolitan Golf Course To Provide Five Years Of Rent Relief In The Projected Amount Of 1.1 Million, Which Would Result In A Loss Of Revenue To The Golf Enterprise Fund Of \$550,000 Over A Five-Year Period; And Reschedule To The April 22, 2008 Life Enrichment Committee Agenda

Reason: The amendment language is still in review by the respective attorneys and will not be ready in time to complete the report, resolution, and amendment to get it to the City Administrator for inclusion on the March 11 agenda.

[07-0971](#)

***Rescheduled to *Life Enrichment Committee on 4/22/2008**

as an informational report.

The following individual(s) spoke on this item:

- Sanjiv Handa

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S-4-9 Subject: Canada Goose Management
From: Councilmember Pat Kernighan
Recommendation: Adopt A Resolution Authorizing Implementation Of A Program Of Canada Goose Management Techniques At Lake Merritt And Appropriating Up To \$23,000 To Fund The Canada Goose Management Program; On The April 8, 2008 Public Works Committee Agenda

[07-1059](#)

***Withdrawn with No New Date**

S-4-10 Subject: Project Priority Funds - District Seven
From: Councilmember Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$5,408.01 From Councilmember Larry E. Reid's Priority Project Funds To Oakland Coliseum Joint Venture For Expenses For The Ninth Annual Oakland/San Leandro Job Fair

[07-1060](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008

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S-4-11 Subject: Unequipped Police Vehicles - Status Report
From: Councilmember Larry Reid
Recommendation: Receive A Joint Informational Report From The Oakland Police Department And Public Works Presenting An Update On The Current Status Of Unequipped Police Vehicles Including A Plan To Address The Current Backlog, And A Comprehensive Plan To Prevent The Same Problem From Occurring Later This Year And In The Next Several Years; On The April 22, 2008 Public Safety Committee Agenda

[07-1072](#)

***Rescheduled to *Public Safety Committee on 4/22/2008**

The following individual(s) spoke on this item:

- Sanjiv Handa

S-4-12 Subject: Travel Authorization - Councilmember Brooks
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Washington D.C. To Attend The National League Of Cities Congressional City Conference, March 8-12, 2008

[07-1075](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008**

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S-4-13 Subject: Police Recruitment
From: Councilmember Brooks and Councilmember Kernighan
Recommendation: Schedule The Following Reports To The Public Safety Committee And The City Council:

1) Because Patrol Is the first line of defense for the public, the Council wants to ensure that this unit is fully staffed at all times. To that end staff is directed to prepare a plan that ensures Patrol is fully staffed at all times (this means no open beats on any shift). This plan shall be presented at the March 11th Public Safety Committee and at the March 18,2008, City Council meeting. The Oakland Police Department shall publish a weekly report indicating staffing levels in patrol. Staff is directed to work with IT to ensure that, on a weekly basis, said report is placed on the City of Oakland's Website, OPD's webpage and disseminated to all Oakland City Council offices, and PSA Yahoo groups; And

[07-1080](#)

Scheduled to *Public Safety Committee on 4/8/2008

See Cynthia Perkins

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2) We need to ensure that OPD has the resources it needs so that officers are effectively deployed and have the tools they need to discharge their responsibilities. To that end, the IT, Public Works and OPD staff along with the City Administrator are directed to develop a schedule of work to ensure that all 43 police vehicles which have not been properly equipped for use are completed no later than March 18, 2008. In additions, a schedule of work shall be developed to ensure that Shot Spotter is placed in all Sergeants' vehicles no later than March 18, 2008;

From Councilmember Reid:

Not only should a work schedule be developed to address current equipment needs, but an assessment of future equipment needs must be conducted to ensure that new hires have the necessary tools to perform their duties. Both items should be addressed by the Public Safety Committee at the March 11, 2008 meeting

[07-1080-1](#)

Scheduled to *Public Safety Committee on 4/22/2008

See Cynthia Perkins

3) Staff is directed to prepare a report on all Units within the Oakland Police Department which can be civilianized so as to better utilize sworn staff. This report shall be presented at the March 11th Public Safety committee meeting and at the full Council on March 18, 2008; And

[07-1080-2](#)

Scheduled to *Public Safety Committee on 4/8/2008

See Cynthia Perkins

4) Staff is directed to prepare a report that indicates the staffing levels and recruitment of Police Service Technicians. The report should indicate what functions currently being discharged by sworn staff can be conducted by Police Service Technicians. The report should also indicate a date certain that these responsibilities can be delegated to the Police Service Technicians; And

[07-1080-3](#)

Scheduled to *Public Safety Committee on 4/8/2008

See Cynthia Perkins

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5) The vast majority of the homicides committed in the City of Oakland are committed with hand guns. We need to find ways to reduce the number of guns on the streets of Oakland. To that end, staff is directed to contact the Boston Police Department to solicit information about their Consent to Search Program. Staff should also review the attached Department of Justice Evaluation of the predecessor Consent to Search Program information implemented by the St. Louis Police Department. Staff is directed to develop for review a similar program to be conducted by the Oakland Police Department. Said plan shall be presented at the March 11, 2008, Public Safety Committee meeting; And

[07-1080-4](#)

Scheduled to *Public Safety Committee on 4/8/2008

See Cynthia Perkins

6) Staff is directed to report, monthly, at the first Public Safety committee meeting a report indicating Crime and arrest statistics for all part one crimes committed in the previous month

From Councilmember Reid:

Staff shall report monthly to the Public Safety Committee the recruitment activities. Additionally, the consultants report referenced in the Recruitment Plan should be presented at Public Safety and Council meetings. Lastly, all Quarterly Measure Y reports should include up to date data on the increase of Field Training Officers

[07-1080-5](#)

Scheduled to *Public Safety Committee on 4/8/2008

The Committee reviewed these individual requests submitted by Councilmember Larry Reid and Brooks at the February 19, 2008 City Council Meeting. During the meeting, Councilmember Brunner also submitted the following requests for incorporation into the Police Department's response to the information requested. 1) An Informational report on Crime Control Strategies by 4/22/08 coming to Public Safety; Information report on Homicide victims and parolees coming on 4/08/08 to Public Safety; 3) Information report on what California Highway Patrol Officers are doing 4) What our Investigators are doing and how we can supplement their efforts (3 and 4 consolidated) coming to Public Safety 3/11/08; and 5) A monthly Informational report from the Chief of Police on all crimes citywide and how the Police Department plans to respond to the crime for the next 30 days coming before council as soon as possible. Staff will consolidate the requests of Councilmembers Reid, Brooks and Brunner and submit according to the approved dates.

The following individual(s) spoke on this item:

- Sanjiv Handa

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S-4-14 Subject: Port Of Oakland - Fair Share Memorandum Of Agreement
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The March 11, 2008 Community
And Economic Development Committee Agenda A Resolution Authorizing The
Agency Administrator To Negotiate And Execute A Fair Share Memorandum Of
Agreement With The Port Of Oakland For The Deconstruction Of Buildings 804,
805, 806, 807, And 808 In The East Gateway Development Area Of The Former
Oakland Army Base; With No New Scheduling Date

Reason: The Cost Sharing Agreement with the Port should accompany a
determination that it is not feasible to reuse the Agency's portions of Buildings 804 -
808.

[07-0997](#)

***Withdrawn with No New Date**

S-4-15 Subject: Residential Permit Parking - Addition To Existing Area "F"
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving Implementation Of Residential
Permit Parking (RPP) On The South Side Of 17th Street Between Madison Street
And Lakeside Drive As An Addition To The Existing Area "F" RPP Pursuant To
California Vehicle Code § 22507 And Oakland Municipal Code Section 10.44; On
The April 8, 2008 Public Works Committee Agenda

[07-1063](#)

***Rescheduled to *Public Works Committee on 4/8/2008**

S-4-16 Subject: West Oakland Community Advisory Group Report
From: Community and Economic Development Agency
Recommendation: Receive The Annual Report Of The West Oakland Community
Advisory Group ("WOCAG"); On The April 8, 2008 Community And Economic
Development Committee Agenda

[07-1064](#)

***Rescheduled to *Rules & Legislation Committee on 2/28/2008**

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S-4-17 Subject: Oakland Community Housing, Inc Workout Plans - Status Report
From: Community And Economic Development Agency
Recommendation: Receive A Status Report And Recommendations For Pursuing
Workout Plans Regarding The Oakland Community Housing, Inc. (OCHI)
Affordable Housing Portfolio, Including The Following Properties: Bishop Roy C.
Nichols Senior Housing (1027 62nd Street); The California Hotel (3501 San Pablo
Avenue); Coolidge Court (3800 Coolidge Avenue); Drasnin Manor (2530
International Boulevard); Eldridge Gonaway Commons (115 3rd Avenue); Foothill
Plaza (6311 Foothill Boulevard); James Lee Court (690 15th Street); Kenneth
Henry Court (6455 Foothill Boulevard); Marin Way (2000 International Boulevard);
Nueva Vista (3700 International Boulevard); The Oaks Hotel (587 15th Street); San
Antonio Terrace (1485 E 22nd Street); Slim Jenkins Court (700 Willow Street);
Sylvester Rutledge Manor (3255 San Pablo Avenue); The Villas At Jingtletown (29th
Avenue); And Four Site Acquisition Loans Previously Made To Oakland
Community Housing, Inc., Located At 1662-1664 7th Street, 1666 7th Street, 1672
7th Street And 715 Campbell Street; On The April 22, 2008 Community And
Economic Development Committee Agenda
[07-1065](#)
**Scheduled to *Community & Economic Development Committee on
4/22/2008**

S-4-18 Subject: 2006-2007 Workers' Compensation Report
From: Finance and Management Agency
Recommendation: Receive An Informational Report On The Workers' Compensation
Program For Fiscal Year 2006-2007
[07-1067](#)
***Rescheduled to *Finance & Management Committee on 3/11/2008**
[View Report.pdf](#)

S-4-19 Subject: Self-Insurance General Liability Fund Allocations
From: Finance And Management Agency
Recommendation: Receive An Informational Report And Recommendation Regarding
The Allocation Of Monies From The Self-Insurance General Liability Fund (Fund
1100) To Departments For Fiscal Year 2008-2009 Mid-Cycle Budget Adjustment
Of General Liability Costs Based On Implementation Of The "Phoenix Model" Of
Risk Management Cost Allocation
[07-1068](#)
Scheduled to *Finance & Management Committee on 3/11/2008
[View Report.pdf](#)

[02-21 Rules item 4](#)
[View Report.pdf](#)

ADDITIONAL ITEM(S) SUBMITTED ON THE DIAS

Subject: Personnel Services Fund Transfer
From: Office Of The City Auditor
Recommendation: Adopt A Resolution Authorizing The City Auditor To Transfer Two Hundred And Twenty-Five Thousand (\$225,000.00) From Personnel Services To Operations And Maintenance For The Purpose Of Contracting Audit Services, Purchasing Audit Technology And Updating Website
[07-1081](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 2/4/2008**
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5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of March 4, 2008 and the Rules and Legislation Committee for the meeting of March 6, 2008

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

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

The following individual(s) spoke on this item:
- Sanjiv Handa

[02-21 Rules Item 5](#)
[View Item.pdf](#)

6 Subject: June 2008 - Eminent Domain Initiatives
From: Councilmember Nancy Nadel
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution To Support Proposition 99, The Homeowners And Private Property Protection Act; And
[07-0983](#)

Continued to *Rules & Legislation Committee on 2/28/2008
Propositions 98 and 99.
[View Report.pdf](#)
[View Supplemental Report.pdf](#)

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2) A Resolution To Oppose Proposition 98, The California Property Owners And Farmland Protection Act
[07-0983-1](#)

Continued to *Rules & Legislation Committee on 2/28/2008

Propositions 98 and 99.

The following individual(s) spoke on this item:

- Deanna Sessums
- Vivian Kaum
- Steven Edrington
- Robbie Clark
- Sanjiv Handa

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) spoke under Open Forum:

- Sanjiv Handa

Adjournment

There being no further business, and upon the motion duly made, the Rules and Legislation Committee/Council adjourned the meeting at 11:52 AM.

NOTE:

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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