



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, July 07, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules and Legislation Committee convened at 10:47 am, with Council President Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted setting a regular closed session for 3:30 p.m. for Tuesday, July 19, 2011 The motion carried by the following vote:

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

2 **Approval of the Draft Minutes from the Committee meeting of June 23, 2011**

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted. The motion carried by the following vote:

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

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

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

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

4 **Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings July 12, 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, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

S-4.1 Subject: State Homeland Security Program Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee
To: 1) Enter Into A State Homeland Security Program (SHSP) Grant Agreement Or
Memorandum Of Understanding (MOU) With The Alameda County Sheriff's Office (ACSO)
For Distribution Of Fiscal Year 2010 State Homeland Security Program (SHSP) Grant Funds
To The City Of Oakland In An Amount Up To Two Hundred And Fifty Thousand Dollars
(\$250,000), 2) Accept, Appropriate And Administer The Fiscal Year 2010 SHSP Grant
Allocations, And 3) Approve The Preliminary Spending Plan And Waive City Of Oakland
Central Services Overhead (CSO) Fees Of Ten Thousand And Seven Hundred Forty Dollars
(\$10,740), And 4) Expend Funds In Accord With The Preliminary Spending Plan Without
Further Council Authorization, Including Purchases In Excess Of The City Administrator's
Purchasing Authority For Equipment On The Federally Authorized Equipment List And
Services Required By The Grant, Provided The City's And The County's Bidding Requirements
And Purchasing Programs And Policies Are Followed; On The July 26, 2011 Public Safety
Committee Agenda

[10-0796](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/26/2011**

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S-4.2 Subject: Charter Amendment Returning City Attorney To Appointed Position
From: Councilmembers Nadel And Kernighan
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The
Electors At The Next Special Or General Municipal Election, A Proposed Charter Amendment,
Entitled, "Returning The Elected City Attorney Position To An Appointed Position" And
Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For
Notice And Publication In Accordance With The Next Election Date

[10-0778](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/19/2011**

President Pro Tempore De La Fuente was noted as voting No.

There was one speaker on this item.

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S-4.3 Subject: PFRS Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing the Police and Fire Retirement System Board and City Council to Set an Actuarially Sound Deadline For Fully Funding Its Retirement Plan", To Be Submitted To The Electors At The Next Special or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date
[10-0786](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/
City Council on 7/19/2011**

There was one speaker on this item.

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S-4.4 Subject: Rainy Day Fund Ballot Measure
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Establishing A 'Rainy Day' Fund For Money Collected When There Is An Unusually Large Surplus, Which May Be Used In Years When There Is A Revenue Shortfall", To Be Submitted To The Electors At The Next Special Or General Municipal Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Next Election Date
[10-0787](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/19/2011**

Vice Mayor Brooks was noted as voting No.

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S-4.5 Subject: Mayor's Summer Jobs Program
From: Councilmember Nadel
Recommendation: Receive An Informational Report On The Mayor's Summer Jobs Program Including The Process Of Selecting Service Providers, Community Outreach Conducted, Participant Eligibility Requirements, Participant Selection Process, And Program Outcomes; On The September 13, 2011 Community And Economic Development Committee
[10-0791](#)

**Scheduled to *Community & Economic Development Committee on
9/13/2011**

S-4.6 Subject: Salary Schedule Amendment - City Administrator
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To Increase The Salary For The Classification Of City Administrator
[10-0798](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

This item was bifurcated as the Committee did not wish to amend the salary for the Assistant City Administrator.

President Pro Tempore was noted as voting No.

There was one speaker on this item.

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S-4.7 Subject: Assistant City Administrator Salary
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Authorizing the City Administrator to Approve an Initial Salary for the Position of Assistant City Administrator That Exceeds the Mid-Point of the Salary Range, As Required By Ordinance No. 12918
[10-0799](#)

Denied

A motion was made by and seconded by to deny scheduling this item. The motion passed with a vote of 3 Ayes, President Pro Tempore was noted as voting No.

There was one speaker on this item.

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S-4.8 Subject: Top Grade Construction Inc - Building 6 Contract Award
From: Community And Economic Development Agency
Recommendation: A Request To Re-Title And Reschedule An Item Previously Withdrawn
From The July 12, 2011 Community And Economic Committee Agenda

NEW TITLE: Adopt An Agency Resolution Authorizing The Agency Administrator To Award A Construction Contract To The Lowest Responsible, Responsive Bidder For The Building 6 Environmental Remediation Project At The Former Oakland Army Base In Accord With The Project's Plans And Specifications In An Amount Not-To-Exceed Two Million Two Hundred Seventy-One Thousand Dollars (\$2,271,000), Without Return To The Agency Board Provided Contractor Is Selected Through A Formal Advertising And Bidding Process

OLD TITLE: Agency Resolution Waiving The City's Advertising, Bidding And Award To The Lowest Responsible Bidder Process And Authorizing The City Administrator To Negotiate And Award A Construction Contract To Top Grade Construction, Inc. For The Building 6 Environmental Remediation Project Work At The Oakland Army Base In Accord With The Plans And Specifications And Contractor's Bid, Therefore, In Up To Or Less Than The Total Project Budget Of Two Million Six Hundred Seventy-Six Thousand Seven Hundred Fifty Dollars (\$2,676,750)

[10-0699](#)

***Withdrawn with No New Date**

S-4.9 Subject: Planning Code Amendments
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing Text And Map Amendments To The Planning Code, Including: 1) Updating References, Reducing Redundancy, And Clarifying Language In Various Chapters Of The Planning Code; 2) Conditionally Permitting Mini- And Micro-Telecommunications Facilities In Residential Areas Of The Central Business District; 3) Amending Chapter 17.112 Of The Planning Code To Allow Crop Growing As A Home Occupation; 4) Adjusting The Sign Regulations In The RU-4 And RU-5 Zones To Be Consistent With Other Zones On The City's Major Transportation Corridors; 5) Creating An Interim Combining Zone For The Core Of The Chinatown Commercial Area That Would Broaden The Range Of Allowed Ground Floor Uses; And 6) Improving Consistency Among Chapters And The Maps, Including Making The Adopted Height Map For The Area Near Valdez, Harrison And 27th Streets Consistent With The Zoning Ordinance Text; On The September 13, 2011 Community And Economic Committee Agenda And As A Public Hearing On The September 20, 2011 City Council Agenda

[10-0794](#)

**Scheduled to *Community & Economic Development Committee on
9/13/2011**

S-4.10 Subject: Rent Adjustment Annual Report
From: Community And Economic Development Agency
Recommendation: Receive An Annual Report Of The Rent Adjustment Program For Fiscal Year 2010-2011; On The September 27, 2011 Community And Economic Committee Agenda
[10-0795](#)

Scheduled to *Community & Economic Development Committee on 9/27/2011

S-4.11 Subject: Building Services Division - Grand Jury Recommendations
From: Councilmember Brunner
Recommendation: Discussion And Action On How City Staff Are Implementing Recommendations Of The Alameda County Grand Jury Final Report On The City Of Oakland's Building Services Division; On The July 26, 2011 Community And Economic Development Committee
[10-0792](#)

Scheduled to *Community & Economic Development Committee on 9/13/2011

S-4.12 Subject: Scheduling A Special City Council Meeting July 26, 2011
From: Council President Larry Reid
Recommendation: A Request To Cancel The Committee Meetings Of July 26, 2011 And Schedule A Special City Council Meeting On July 26, 2011 At A Time Yet To Be Determined
[10-0797](#)

***Received and Filed**

At this time a Special City Council Meeting was scheduled for July 26, 2011 at 5:30 P.M.

S-4.13 Subject: Five - Year Temporary Fiscal Emergency Parcel Tax
From: Office Of The Mayor
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 15, 2011 Special Election A Proposed Ordinance Creating A Five-Year Temporary Fiscal Emergency Special Parcel Tax; Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election
[10-0779](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/ City Council on 7/19/2011

There was one speaker on this item.

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S-4.14 Subject: City Attorney Election
From: Office Of The Mayor
Recommendation: Adopt A Resolution On The City Council's Own Motion Waiving The Council's Authority To Fill The Vacancy In The Office Of City Attorney And Submitting To The Voters At The November 15, 2011 Special Election The Filling Of The Vacancy In The Office Of City Attorney; Directing The City Clerk And City Administrator To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election; On The July 19, 2011 City Council Agenda
[10-0793](#)

Denied

Council President Reid and Vice Mayor Brooks were noted as voting No.

There was one speaker on this item.

Items Submitted On The Dias:

#1 Subject: Salary Ordinance Amendment - IAF Local 55
From: Department Of Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule No. 12187 (The Salary Ordinance) To Reduce The Salaries Of Employees Represented By The International Association Of Firefighters Union Local 55 By 8.85% From July 1, 2011 To June 30, 2014
[10-0803](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/19/2011**

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#2 Subject: Salary Schedule Amendment - Commander Of Police
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A Resolution Recommending To The Civil Service Board That The Classifications Of: Commander Of Police Be Exempted From The Operation Of The Civil Service; And

[10-0804](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/19/2011**

- 2) Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 (The Salary Ordinance) To: Add The Permanent Full Time Equivalent Classifications Of: Commander Of Police

[10-0804-1](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/
City Council on 7/19/2011**

At this time a motion was made by Vice Mayor Brooks, Seconded by President Pro Tempore De La Fuente to reconsider item 4.14 as amended. The motion passed with a vote of 4 Ayes.

#3 Subject: City Attorney Election
From: President Pro Tempore Ignacio De La Fuente
Recommendation: Adopt A Resolution On The City Council's Own Motion Waiving The Council's Authority To Fill The Vacancy In The Office Of City Attorney And Submitting To The Voters At The November 15, 2011 Special Election The Filling Of The Vacancy In The Office Of City Attorney; Directing The City Clerk And City Administrator To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Special Election
[10-0793-1](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/19/2011

Council President Reid was noted as voting No.

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Items Removed from the July 12, 2011 Community and Economic Development Committee

Agenda:

#15 Subject: Small Local Business Enterprise Program
From: Community and Economic Development Agency
Recommendation: Discussion And Action On A Report To:

(1) Adopt Changes To The City Of Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, As Recommended By The Fairness In Purchasing and Contracting Disparity Study

[09-1651-1](#)

***Withdrawn and Rescheduled to *Community & Economic Development Committee on 9/13/2011**

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Items Rescheduled from the Finance and Management Pending List:

July 26, 2011

#4 Subject: Annual Compliance Plan - Equal Access
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On Annual Compliance Plan Of The
Equal Access To Services Ordinance And Settlement Agreement
[10-0752](#)

***Withdrawn and Rescheduled to *Special Concurrent Meeting of the
Oakland Redevelopment Agency/City Council on 7/26/2011**

Items Rescheduled to the July 19, 2011 City Council Agenda:

Subject: Contracting Process And Timeline - Various Departments
From: Vice Mayor Brooks
Recommendation: Discussion And Possible Action On The City's Contracting Process And
Timeline For Various Agencies [TITLE CHANGE]
[10-0334-1](#)

***Rescheduled to Concurrent Meeting of the Oakland Redevelopment
Agency / City Council on 7/19/2011**

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5 A review of the Agendas for the Concurrent Meeting of ORA/City Council of July 19, 2011
and the Rules and Legislation Committee Meeting of July 21, 2011
**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, Vice Mayor Brooks, Member Reid and President Pro
Tempore De La Fuente

At this time all July 26, 2011 Council Committee Meetings were cancelled.

There was one speaker on this item.

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There were two 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 11:50
A.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.

City Clerk and Clerk of the Council