



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, June 30, 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 10:45 a.m., 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. 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 16, 2011**

There was no action taken on this item.

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

A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, 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

[rules063011](#)

[View Report.pdf](#)

4 **Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council Meeting of July 5, 2011 (SUPPLEMENTAL)**

[rules63011item4](#)

[View Report.pdf](#)

S-4.1 Subject: Professional Services Agreement - VBS Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With VBS Services, In Amount Not To Exceed One Hundred And Nineteen Thousand Nine Hundred And Ninety Nine Dollars (\$119,999) For The Period Of July 1, 2011 To June 30, 2013, With Two - One Year Options To Extend, To Continue Performing Sexual Assault Suspect Examinations And Blood Draws For The Oakland Police Department Investigations; On The July 26, 2011 Public Safety Committee Agenda
[10-0774](#)

Scheduled to *Public Safety Committee on 7/26/2011

S-4.2 Subject: Summer Recess Grant And Contract Awards
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Make Grant Awards, Accept Grant Funds And Award Contracts For The Purchase Of Construction Labor And Materials Exceeding \$500,000.00, To Be Executed During The City Council Annual Recess Of 2011, As Follows:

1. A Resolution To Award A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Construction Of MacArthur Boulevard Improvement Project (Project No. C167640), Or To Reject All Bids If All Bids Are Deemed Non-Responsive Or Non-Responsible, And Award A Contract On The Open Market In Accord With The Project Plans And Specifications Up To The Amount Of \$5,075,351.00;

2. A Resolution Authorizing The Acceptance And Appropriation Of Up To \$827,900.00 Of Federal Funds From The Transportation, Housing And Urban Development And Related Agencies Appropriation Act Of 2010 For The Lake Merritt Improvement Project;

3. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Installation Of New And Modified Traffic Signals At Various Locations (Project Nos. C313710, C318210, C316210) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Eight-Hundred Thousand Dollars (\$800,000.00) Without Return To Council;

4. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Safe Routes To Schools, Cycle 7 Project (Project No. C357010) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Six-Hundred Thousand Dollars (\$600,000.00) Without Return To Council; And

5. A Resolution Awarding A Construction Contract To The Lowest, Responsive, Responsible Bidder, For The Broadway Intelligent Transportation Systems (Its) (Project No. C270210) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Project Plans And Specifications In An Amount Not To Exceed Eight-Hundred Thousand Dollars (\$800,000.00) Without Return To Council

[10-0773](#)

Scheduled to *Finance & Management Committee on 7/12/2011

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[83497 CMS.pdf](#)

S-4.3 Subject: Closed Captioning Professional Service Contract
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Two (2) Year Professional Service Contract Between The City Of Oakland And Aegis Rapid Text, Inc. To Provide Stenography Services For Real-Time Off-Site Closed Captioning Of All Regularly Scheduled And Special Concurrent Oakland Redevelopment Agency / Oakland City Council, And City Council Committee Meetings In A Total Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year For The Period From September 1, 2011 Through August 31, 2013 And Authorizing The Extension Of The Contract For Up To Two (2) Years For An Additional Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000) Per Year
[10-0780](#)

Scheduled to *Finance & Management Committee on 7/12/2011

[View Report.pdf](#)
[83483 CMS.pdf](#)

S-4.4 Subject: Top Grade Construction Inc - Building 6 Contract Award
From: Community And Economic Development Agency
Recommendation: Adopt An 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 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**

This item will return to the July 7, 2011 Rules and Legislation Committee for scheduling.

S-4.5 Subject: Community Development Block Grant Program
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution 83344 C.M.S 1) Authorizing The City Administrator To Submit To The U.S. Department Of Housing And Urban Development The Revised Annual Action Plan For Fiscal Year 2011-2012; 2) Accepting And Appropriating Funds Totaling \$14,658,157 For The Home, Emergency Shelter Grant (ESG), Housing Opportunities For Persons With Aids (HOPWA), And The Community Development Block Grant Programs; And 3) Authorizing The City Administrator To Negotiate And Execute Agreements With Subgrantees For Fiscal Year 2011-2012 For The Community Development Block Grant Program.
[10-0775](#)

Scheduled to *Community & Economic Development Committee on 7/12/2011

and as a public hearing on the July 19, 2011 City Council Agenda

[View Report.pdf](#)
[83499 CMS.pdf](#)

S-4.6 Subject: Oakland Economic Development Corporation - ENA
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing An Exclusive Negotiating Agreement With The Oakland Economic Development Corporation For Development Of Phase I Of The Transit Village At The Coliseum Bart Station, And Authorizing A Redevelopment Loan For The Project In An Amount Not To Exceed \$400,000
[10-0776](#)

Scheduled to *Community & Economic Development Committee on 7/12/2011

[View Report.pdf](#)
[2011-0061 CMS.pdf](#)

S-4.7 Subject: MacArthur Transit Village Phase I
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Conditionally Approving A Final Map (Phase 1) For Tract No. 8047, The Vacation (Abandonment) Of Apgar Street, The Dedications Of Public Easements And Right Of Way, And A Subdivision Improvement Agreement With Macarthur Transit Community Partners For Deferred Construction Of Public Infrastructure Improvements, All Associated With Development Of The Macarthur Transit Village Project To Construct A Parking Garage For The San Francisco Bay Area Rapid Transit District (BART) And An Affordable Housing Multiple Family Building
[10-0782](#)

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

as a Consent item

[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)

2) A Resolution Approving A Subdivision Improvement Agreement With MacArthur Transit Community Partners For Deferred Construction Of Public Infrastructure Improvements For Phase I Development Of The MacArthur Transit Village Project To Construct A Parking Garage For The San Francisco Bay Area Rapid Transit District (BART) And An Affordable Housing Apartment Building For MacArthur Transit Community Partners
[10-0782-1](#)

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

as a Consent item

S-4.8 Subject: Leveling The Playing Field Phase II Project
From: Public Works Agency
Recommendation: Adopt A Resolution: 1) Rejecting All Bids, Waiving Any Further Advertising And Bidding And Authorizing The City Administrator To Negotiate And Award A Construction Contract On The Open Market For The Leveling The Playing Field Phase II Project In An Amount Not To Exceed Two Million One Hundred Fifty One Thousand Dollars (\$2,151,000.00) Without Return To Council, And 2) Appropriate Up To Two Hundred Thousand Dollars (\$200,000.00) Of The Remaining Measure WW Funds From Poplar Field (No. C376810), Central Reservoir Field (No. C377010), And Owen Jones Field (No. C376710) To The Brookdale Park Field (No. C290810) For The Project
[10-0754](#)

Scheduled to *Public Works Committee on 7/12/2011

[View Report.pdf](#)
[83481 CMS.pdf](#)

S-4.9 Subject: Henry J. Kaiser - Lease Revenue Bonds
From: Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The Substitution Of City Hall For The Henry J. Kaiser Convention Center As Part Of The Leased Property In Connection With The Oakland Joint Powers Financing Authority Lease Revenue Refunding Bonds (Oakland Convention Centers), Series 2001; Approving The Execution And Delivery Of Amendments To Leases To Substitute Such Property And Authorizing The Taking Of All Necessary Actions Relating Thereto; And
[10-0684](#)

***Rescheduled to *Finance & Management Committee on 7/12/2011**

[View Report.pdf](#)
[View Supplemental.pdf](#)

S-4.10 Subject: PFRS Funding Options And Swap Termination
From: Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Authorizing And Approving The Option To Fund The Police And Fire Retirement System Unfunded Accrued Actuarial Liability Through A Combination Of Pay-As-You-Go Method And The Use Of Pension Obligation Bonds; Directing The City Administrator To Negotiate The Terms And Conditions Of The Funding Option(S) Approved By City Council For The System And Enter Into An Agreement With The Police And Fire Retirement Board; And
[10-0777](#)

Scheduled to *Finance & Management Committee on 7/12/2011

[View Report.pdf](#)

S-4.11 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](#)

Continued to *Rules & Legislation Committee on 7/7/2011

This item will return to the July 7,2011 Rules and Legislation Committee for scheduling.

[View Report.pdf](#)
[83503 CMS.pdf](#)
[83503 Redline.pdf](#)

S-4.12 Subject: City Administrator Employment Agreement - Deanna Santana
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The Mayor To Execute An Employment Agreement On Behalf Of The City With Deanna Santana, City Administrator, Effective August 1, 2011
[10-0781](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/5/2011

Agency/Councilmember De La Fuente made a motion seconded by Agency/Councilmember Schaaf to approve the urgency finding on item 4.12 for the following reasons: 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

[View Report.pdf](#)
[View Report.pdf](#)
[83461 CMS.pdf](#)

At this time Councilmembers Nadel and Kernighan were noted as present and the Rules and Legislation Committee adjourned and the body convened as a Special Meeting of the Oakland City Council.

S-4.13 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](#)

Continued to *Rules & Legislation Committee on 7/7/2011

This item will return to the July 7, 2011 Rules and Legislation Committee for scheduling.

[View Report.pdf](#)
[83502 CMS.pdf](#)

At this time Councilmembers Nadel and Kernighan were noted as absent and at that time the Special Meeting of the Oakland City Council adjourned and the body reconvened as the Rules and Legislation Committee.

Requests Submitted on the Dias:

#1 Subject: City Attorney Appointment
From: Council President Larry Reid
Recommendation: Adopt A Resolution Appointing _____ To Fill The Vacancy In The Office Of The City Attorney For The Balance Of The Unexpired Term, Which Runs Until 11 A.M. On Monday, January 7, 2013
[10-0785](#)

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

As a Non-Consent item.

[View Report.pdf](#)
[View Report.pdf](#)
[83501 CMS.pdf](#)

#2 Subject: Stop I-9 Audits At Various Companies
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Urging The US Department Of Homeland Security To Stop The Audit Of I-9 Forms At The Pacific Steel Foundry Berkeley And Other Companies Until We Have Comprehensive Immigration Reform
[10-0783](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/5/2011

Agency/Councilmember De La Fuente made a motion seconded by Agency/Councilmember Schaaf to approve the urgency finding on this item for the following reasons: 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 federal or state legislation.

[View Report.pdf](#)
[83462 CMS.pdf](#)

S-#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 *Finance & Management Committee on 7/12/2011

This item will also return to the July 7, 2011 Rules and Legislation Committee for scheduling

- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)

#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 *Finance & Management Committee on 7/12/2011

This item will also return to the July 7, 2011 Rules and Legislation Committee for scheduling.

- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)

#5 Subject: General Tax Ballot Measure
From: Councilmember Kernighan
Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A Resolution By The City Council Declaring An Emergency Pursuant To Article XIIC, Section 2 Of The California Constitution Allowing Placement Of A General Tax On The Ballot For A Special Election; And

[10-0784](#)

Continued to *Rules & Legislation Committee on 7/7/2011

This item will return to the July 7, 2011 Rules and Legislation Committee for scheduling.

2) A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 15, 2011 Special Election, A Proposed Ordinance Imposing A Temporary Transactions And Use Tax (Sales Tax) Of [One-Half], Or [Three-Quarters] Of One Percent For Five Years With All Proceeds Placed In The City's General Fund; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 15, 2011 Special Election; On The July 19, 2011 City Council Agenda
[10-0784-1](#)

Continued to *Rules & Legislation Committee on 7/7/2011

This item will return to the July 7, 2011 Rules and Legislation Committee for scheduling.

- 5 A review of the Council Committees' actions from June 28, 2011 and determination of scheduling to the ORA/City Council meeting of July 5, 2011 or future dates (MATRIX)
A motion was made by Vice Mayor Brooks, 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

[rules63011item5](#)
[View Report.pdf](#)

- 6 A review of the Agendas for the Council Committees for the meetings of July 12, 2011 and the Rules and Legislation Committee Meeting of July 14, 2011
A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, 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

[rules63011item6](#)
[View Report.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:30 a.m.

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) 238-3226
Fax: (510) 238-6699
Recorded Agenda: (510) 238-2386
Telecommunications Display Device: (510) 839-6451
[TTD](#)

* 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