



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, November 17, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

The Oakland City Council Rules and Legislation Committee convened at 10:53 a.m., with Council President Reid presiding as Chairperson.

COMMITTEE MEMBERSHIP:

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

1 Determinations of Closed Session

***Approve as Submitted**

Votes:

2 Approval of the Draft Minutes from the Committee meeting of November 3, 2011

3 Determination of Schedule of Outstanding Committee Items

***Approve as Submitted**

Votes:

There was one speaker on this item.

4 Scheduling of Agenda Items

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S-4.1 Subject: Two Tier Retirement Amendment
 From: Office Of The City Attorney
 Recommendation: Adopt An Ordinance Repealing Ordinance No. 13904 C.M.S. Which Authorized An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System ("PERS") That Among Other Things, Would Establish A Different Level Of Retirement Benefits And Change The Definition Of "Final Compensation" For City Employees The City Hires For The First Time After The Effective Date Of The Contract
[11-0138](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 12/6/2011**

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S-4.2 Subject: Professional Services Agreement - Kennedy And Associates
From: Community And Economic Development Agency
Recommendation: A Request To ReTitle An Item Already Scheduled To The November 29,
2011 Special Community And Economic Development Committee Agenda

NEW TITLES:

Adopt The Following Pieces Of Legislation:

- 1) An Agency Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The Agency Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project; And
- 2) A City Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The City Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project

OLD TITLES: Agency and City Resolutions Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The Agency Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000) For A Total Contract Amount Of Four Hundred Fifty Thousand Dollars (\$450,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project

REASON: New Title Reduces Proposed Contract Amendment Amount And Duration By 50%, So That Services May Be Re-Bid Sooner, Potentially Allowing For Greater Local Business Participation.

11-0085

**Scheduled to *Special Community & Economic Development Committee
on 11/29/2011**

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[2011-0066 CMS.pdf](#)

S-4.3 Subject: Pulte Homes Contract Increase - Rainbow Teen Center
From: Community And Economic Development Agency
Recommendation: A Request To Reschedule An Item Withdrawn From The November 8, 2011 Public Works Committee Agenda

Adopt A Resolution Amending Resolution No. 83165 C.M.S. To Authorize An Increase In The Contract With Pulte Homes For The Construction Of The Rainbow Teen Center By \$30,699 From \$121,000 To \$151,699 To Pay For Prevailing Wage Costs

REASON: Staff need additional time to provide clarifications of payment strategy which have been requested by the Office of the City Administrator.

[11-0090](#)

Scheduled to *Public Works Committee on 12/13/2011

S-4.4 Subject: Agreement - Building Services Management Review
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate And Execute An Amendment To An Agreement With Management Partners, Inc. For The Management Review Of The Building Services Division Within The Community & Economic Development Agency For A New Total Not To Exceed \$185,000; 2) Waive The Competitive Procurement Process For This Agreement; And 3) Waive Local And Small Local Business Enterprise Requirements

[11-0133](#)

Scheduled to *Special Community & Economic Development Committee on 11/29/2011

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S-4.5 Subject: High Profile Code Enforcement Cases
From: Community And Economic Development Agency
Recommendation: Discussion And Possible Action On High Profile Code Enforcement Cases
[11-0135](#)

Scheduled to *Special Community & Economic Development Committee on 11/29/2011

[View Report.pdf](#)

S-4.6 Subject: Demolished Residence Report
From: Community And Economic Development Agency
Recommendation: Receive A Report On Residences Demolished By Building Services Between 2007 And 2011 And New Procedures Requiring The City Attorney And City Administrator To Review The Public Nuisance Process Before Demolition Contracts Are Bid
[11-0136](#)

Scheduled to *Special Community & Economic Development Committee on 11/29/2011

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S-4.7 Subject: Building Services-Priority Improvement
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Approving A Report From The City Administrator Implementing Building Services Division (“BSD”) Priority Improvement Items In Response To The Motion Of The City Council Adopted At The September 20, 2011 City Council Meeting, Including, Neutral Appeals Process For Code Enforcement Appeals, Discontinuing Prospective Code Enforcement Liens, Revising Conflict Of Interest Policy For Outside Employment For The BSD, And Conducting An Further Investigation Of BSD, And Approving A Requirement To Rebid Change Orders Above Ten Percent For Certain BSD Contracts In Excess Of \$2,500 And Adopting An Amnesty Program For Certain BSD Penalties And Interest; And
2) A Resolution Creating A Building Services Improvement Advisory Task Force, Setting Procedures And Criteria For Appointment, And Providing The Terms And Responsibilities Of The Advisory Task Force Members; On The November 29, 2011 Special Community And Economic Development Committee Agenda
[11-0137](#)

Scheduled to *Special Community & Economic Development Committee on 11/29/2011

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S-4.8 Subject: Brooklyn Basin Development Project
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City To Accept And Appropriate A Grant Of Up To Ten Million Dollars (\$10,000,000-00) From The State Of California Natural Resources Agency, Department Of Water Resources, For Improvements Of The Existing Shoreline Within The Brooklyn Basin; And Authorizing The City Administrator Or Designee To Designate Oakland Harbor Partners (OHP) As The Primary Sub-Grantee And To Authorize The City Administrator To Work With Oakland Harbor Partners To Secure The Grant, Utilize The Funding To Meet The Reporting And Contracting Requirements Of The State And The Development Agreement
[11-0141](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/6/2011

As non-consent

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S-4.9 Subject: General Obligation Refunding Bonds
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The Issuance And Sale Of Not To Exceed \$95,000,000 Aggregate Principal Amount Of City Of Oakland General Obligation Refunding Bonds, Series 2012; Prescribing The Terms Of Sale Of Said Bonds; Approving The Form Of And Authorizing The Execution And Delivery Of A Fiscal Agent Agreement, Escrow Agreement, Continuing Disclosure Certificate And Bond Purchase Contract; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing The Execution And Delivery Of An Official Statement; And Authorizing Necessary Actions Related Thereto
[11-0140](#)

Scheduled to *Special Finance & Management Committee on 11/29/2011

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S-4.10 Subject: Delinquent Real Property Transfer Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary -Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[11-0142](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/6/2011

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[11-0142-1](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code
[11-0142-2](#)

S-4.11 Subject: Delinquent Business Taxes
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or
[11-0143](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 12/6/2011**
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2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or
[11-0143-1](#)

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code
[11-0143-2](#)

S-4.12 Subject: Assessment Of Liens - Transient Occupancy Taxes
From: Finance And Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or
[11-0144](#)

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City Council on 12/6/2011**
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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or

[11-0144-1](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code

[11-0144-2](#)

S-4.13

Subject: Delinquent Mandatory Garbage Fees

From: Finance And Management Agency

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[11-0145](#)

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City Council on 12/6/2011**

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2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[11-0145-1](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code

[11-0145-2](#)

S-4.14 Subject: Special Finance And Management Meeting
From: President Pro Tem De La Fuente
Recommendation: A Request To Schedule A Special Finance And Management Committee Meeting On November 29, 2011 At 12:00 P.M.
[11-0147](#)

Scheduled to *Special Finance & Management Committee on 11/29/2011

S-4.15 Subject: Parking Grace Period
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Establishing A Five-Minute Grace Period For Parking At Public Pay-And-Display Parking Meters In The City Of Oakland
[11-0139](#)

Scheduled to *Finance & Management Committee on 12/13/2011

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S-4.16 Subject: Special Council Session - Oakland Army Base
From: Council President Reid
Recommendation: A Request To Schedule A Special Council Session (Workshop) On The Development Of The Oakland Army Base On November 29, 2011 At 5:30 P.M.
[11-0146](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 11/29/2011

S-4.17 Subject: Commending Morrie Turner
From: Councilmembers Schaaf And Nadel
Recommendation: Adopt A Resolution Commending Morrie Turner For His Many Years Of Communicating Through His Drawings Of "Wee Pals" Characters
[11-0134](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/6/2011

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Items submitted on the dais:

Subject: Contract Increase - VMA Security
From: Office Of Contracting And Purchasing
Recommendation: Adopt A Resolution Authorizing The City Administrator To Increase The Amount Of The Emergency Security Services Contract With VMA Security Or Other Security Services Provider(s) For The Provision Of Security Services As Needed At Frank Ogawa Plaza And Other Facilities In An Amount Not To Exceed Five Hundred Forty Five Thousand Dollars (\$545,000)
[11-0153](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/6/2011

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Subject: Cash Management Report
From: Finance And Management Agency
Recommendation: Receive The Cash Management Report For The Quarter Ended September 30, 2011
[11-0152](#)

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Subject: Honoring Steve Bullivant
From: President Pro Tem De La Fuente
Recommendation: Adopt A Resolution Honoring Steve Bullivant For 28 Years Of Distinguished Service To The City Of Oakland And Congratulating Him On His Retirement
[11-0148](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 12/6/2011**
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Subject: Coliseum Authority Board Appointment
From: Council President Reid
Recommendation: Adopt A Resolution Reappointing Desley Brooks As A Member Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners And Appointing Aaron Goodwin As A Member Of The Oakland-Alameda County Coliseum Authority Board Of Commissioners
[11-0151](#)

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5 A review of the Agendas for the Special Meetings of November 29, 2011 and the Rules and Legislation Committee Meeting of December 1, 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

6 Subject: Contract Extension - Townsend Public Affairs
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recommending That Townsend Public Affairs' State Lobbyist Contract Get Extended For The Period Of October 31, 2011 Through October 31, 2012 At A Cost Of One Hundred Thirty Thousand Dollars (\$130,000), And Authorizing An Option To Renew On A Month To Month Basis For A Six Month Period Until April 31, 2013, At The City's Discretion, And To Increase The Agreement Up To An Amount-Not-To Exceed One Hundred Thirty Thousand Dollars (\$130,000), As Needed, For A Total Agreement Not-to-Exceed Five Hundred Eighty Five Thousand Dollars (\$585,000)
[11-0102](#)

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, 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 December 6, 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
There was one speaker on this item.

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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 11:43 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