



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, May 17, 2007

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Excused: Chair De La Fuente

Present: Vice Mayor Chang, Member Reid and Member Brunner

The Oakland City Council Rules and Legislation Committee convened at 10:46 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

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

Votes: Excused; 1 - Chair De La Fuente

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

The office of the City Attorney scheduled a Closed Session for 1:30 - 3:30 PM on Tuesday, June 5, 2007

2 **Approval of the Draft Minutes from the Committee meeting of May 3, 2007**

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

Votes: Excused; 1 - Chair De La Fuente

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

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

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

Votes: Excused; 1 - Chair De La Fuente

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

There was no action necessary for this item

[Rules 05-17](#)

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4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of May 22, 2007 (SUPPLEMENTAL)
A motion was made by Member Reid, seconded by Vice Mayor Chang, to *Approve with the following amendments. The motion carried by the following vote:

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

S-4-1 Subject: Stinger Operation Equipment Purchase
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Up To Ten Thousand Seven Hundred Fifty Dollars (\$10,750.00) Of Grant Funds From Fireman's Fund Insurance Company For The Purchase Of Stinger Operation Equipment Inventory And Training Materials
[07-0293](#)

Scheduled to *Public Safety Committee on 6/12/2007

[View Report.pdf](#)
[80646 CMS.pdf](#)

S-4-2 Subject: Overtime Reimbursement Oakland Police Department
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland To Accept And Appropriate Reimbursement Funds In An Amount Not To Exceed Seven Thousand Five Hundred Dollars (\$7,500.00) In Federal Funds From The Department Of Justice, United States Drug Enforcement Administration (USDEA) To The Oakland Police Department (OPD) In Overtime Costs For One Sergeant Of Police For The Period Of October 1, 2006 Through September 30, 2007, And Nine Thousand Dollars (\$9,000.00) In Rental Car Reimbursement Costs For The Period Of March 1, 2007 Through June 30, 2007, For Work Associated With The Organized Crime Drug Enforcement Task Force
[07-0294](#)

Scheduled to *Public Safety Committee on 6/12/2007

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*
[View Report.pdf](#)
[80700 CMS.pdf](#)

S-4-3 Subject: Michael Palmertree, MFT - Contract
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee, On Behalf Of The City Of Oakland, To: 1)Waive The Competitive Bid Process, 2) Enter Into A Contract With Michael Palmertree, MFT For Behavioral Science Consulting In Support Of The Police Department's Required Compliance With The Negotiated Settlement Agreement (Tasks 40 And 41) For Fiscal Year 2007-2008 (July 1, 2007 Through June 30, 2008) At A Cost Not-To-Exceed Forty-Nine Thousand Nine Hundred And Ninety-Nine Dollars (\$49,999.00), And 3) Appropriate Fifteen Hundred (\$1,500) To Cover The City Mandated 3% Contract Assessment Fee For This Agreement
[07-0309](#)

Scheduled to *Public Safety Committee on 6/12/2007

[View Report.pdf](#)
[80647 CMS.pdf](#)

S-4-4 Subject: VBS Services - Professional Services Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, On Behalf Of The City Of Oakland, To: 1) Waive The Competitive Bid Process, 2) Enter Into A Two-Year Professional Services Agreement For The Period Of July 1, 2006 Through June 30, 2008 With VBS Services, In An Amount Not To Exceed Forty Nine Thousand, Nine Hundred And Ninety-Eight Dollars (\$49,998) To Perform Sexual Assault Suspect Examinations For Police Department Investigations
[07-0310](#)

Scheduled to *Public Safety Committee on 6/12/2007

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa
[View Report.pdf](#)
[80648 CMS.pdf](#)

S-4-5 Subject: Ban Of Plastic Carry-Out Bags
From: Councilmembers Nancy Nadel and Jean Quan
Recommendation: A Request To Withdraw From The May 22, 2007 Public Works Committee Agenda An Ordinance Banning The Use Of Petroleum-Based Non-Biodegradable Plastic Carry-Out Bags At Affected Retail Establishments In The City Of Oakland And Encouraging A Minimum 5-Cent Surcharge On Paper Bags To Reflect Their True Environmental Costs, And Providing Education And Incentives For Shoppers To Save Resources By Using Their Own Re-Useable Cloth Bags At Affected Retail Establishments In The City; And Reschedule To The June 26, 2007 Public Works Committee Agenda

REASON: The City Attorney's Office needs additional time to review and approve recent revisions to the proposed Ordinance.

[07-0277](#)

***Withdrawn and Rescheduled to *Public Works Committee on 6/26/2007**

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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[View Supplemental Report.pdf](#)

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[12818 CMS.pdf](#)

S-4-6 Subject: Priority Project Funds - District Six
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing A Grant Of \$25,000.00 From Councilmember Desley Brooks' Priority Project Funds To Oakland Citizens Committee For Urban Renewal (Occur) For District 6 Summer Concert Series At Arroyo Viejo Park

[07-0289](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/5/2007

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[80604 CMS.pdf](#)

- S-4-7 Subject: Joaquin Miller/Montera School Pathway Project
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Donations For The Joaquin Miller/Montera Schools Pathway Project And Establishing A Trust Account For The Deposit Of Said Donations For This Project
[07-0290](#)
Scheduled to *Finance & Management Committee on 6/12/2007
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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[80697 CMS.pdf](#)
- S-4-8 Subject: Oil Independent Oakland Task Force Terms And Responsibilities
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Amending Resolution No. 80305, C.M.S. (Establishing The Procedures Of The "Oil Independent Oakland By 2020" Task Force And Providing The Terms And Responsibilities Of The Task Force Members) To Extend The Term Of The Task Force To No Later Than December 31, 2007, In Order To Allow Additional Time To Prepare And Present Its Action Plan To The City Council
[07-0306](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/5/2007
[View Report.pdf](#)
[80605 CMS.pdf](#)
- S-4-9 Subject: Townsend Public Affairs - Report
From: City Council
Recommendation: Receive An Informational Report From The City's State Lobbyist, Townsend Public Affairs, On The Status Of The City's State Legislative Agenda
[07-0308](#)
Scheduled to *Rules & Legislation Committee on 5/31/2007
[View Item.pdf](#)
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S-4-10 Subject: Appeal For 1727 East 24th Street
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The June 5, 2007 City Council Agenda A Public Hearing and Upon Conclusion Adopt A Resolution Denying The Appeal (Case #A07103) And Upholding The Planning Commission Approval Of Case #CMDV05-507/TPM8859, For Construction Of A Four (4) Unit Condominium In The R-50 Zone With A Two (2) Foot Height Variance At 1727 E. 24th Street; And Reschedule To The June 19, 2007 City Council Agenda

REASON: Staff needs more time to write the report due to its complexity
[07-0208](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/5/2007

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[80874 CMS.pdf](#)

S-4-11 Subject: Subsidy Increase For Affordable Housing
From: Community and Economic Development Agency
Recommendation: Action On A Report And Recommendation To Increase The Maximum Subsidy Amount From 40% to 50% Of The Total Development Cost Of The Affordable Units For The Affordable Homeownership Development Program
[07-0291](#)

Scheduled to *Community & Economic Development Committee on 6/26/2007

[View Report.pdf](#)

S-4-12 Subject: Revocable And Conditional Permit - 406 12th Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Press Building Associates, LLC, A Revocable And Conditional Permit To Allow An Existing Basement For A Building At 406 12th Street To Encroach Under The Public Sidewalk Along 12th Street And Franklin Street
[07-0305](#)

Scheduled to *Public Works Committee on 6/26/2007

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[80687 CMS.pdf](#)

S-4-13 Subject: Revocable And Conditional Permit - 1700 Broadway
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Robison Family Trust A Revocable
And Conditional Permit For A Building At 1700 Broadway To Allow An Existing
Basement To Encroach Under The Public Sidewalk
[07-0307](#)
Scheduled to *Public Works Committee on 6/26/2007

S-4-14 Subject: Equipment Replacement Program Report
From: Public Works Agency
Recommendation: Receive An Informational Report on the City's Fiscal Year
2007-2009 Equipment Replacement Program
[07-0295](#)
Scheduled to *Finance & Management Committee on 6/26/2007
[View Report.pdf](#)

S-4-15 Subject: Fleet Utilization Report
From: Public Works Agency
Recommendation: Action On A Report On Fleet Usage, City CarShare Pilot
Program, Commute Options, Vehicle Locators Using Global Satellite Technology,
And Fleet Replacement Needs
[07-0296](#)
Scheduled to *Finance & Management Committee on 6/26/2007
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S-4-16 Subject: Lake Merritt Institute Agreement
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter
Into A Two Year Agreement From July 1, 2007 To June 30, 2009 With The Lake
Merritt Institute For Professional Services To Provide Cleanup, Maintenance,
Monitoring, Volunteer Coordination, And Technical Assistance At Lake Merritt In
An Amount Not To Exceed Three Hundred Twenty Thousand Dollars (\$320,000),
And To Extend The Initial Contract Period (July 1, 2007 To June 30, 2009) An
Additional Two Years (Through June 30, 2011) If The Performance Standards In the
Scope Of Work Are Met
[07-0297](#)
Scheduled to *Public Works Committee on 6/12/2007
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[80640 CMS.pdf](#)

S-4-17 Subject: Parks Project Prioritization List
From: Public Works Agency
Recommendation: Action On A Report And Recommendation That The City Council Establish A Parks Project Prioritization List For City Of Oakland Park Capital Improvement Projects And Authorize The City Administrator, Or Her Designee, To Apply For Grants For Projects On The Prioritization List
[07-0298](#)

Scheduled to *Life Enrichment Committee on 6/12/2007

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S-4-18 Subject: Carter Gilmore Sports Complex Contract Increase
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Increase The Contract Amount For The Carter Gilmore Sports Complex (Formerly Known As Greenman Field) Renovation And Community Park Project With Star Construction, Inc., In The Amount of \$600,000.00, Bringing The Total Contract Amount To \$2,162,000.00, For The Construction Of Ballfield Irrigation, Drainage And Landscaping Improvements
[07-0299](#)

Scheduled to *Public Works Committee on 6/26/2007

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S-4-19 Subject: 66th Avenue Waterfront Trail Project
From: Public Works Agency
Recommendation: Adopt A Resolution Resolution Authorizing The City Administrator, Or Her Designee, To Award A Contract For The Construction Of The 66th Avenue, Oakland Waterfront Trail Project (Project No. C244310), For An Amount Not To Exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00), Or If All Bids Submitted Are Non-Responsive, To The Reject All Bids, Waive Further Competitive Bidding Requirements, And Negotiate A Contract Within Budget, For An Amount Not To Exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00) And Report The Bid Results To The City Council
[07-0300](#)

Scheduled to *Public Works Committee on 7/10/2007

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S-4-20 Subject: Historic East 18th Street Pier Overlook Reconstruction Project
From: Public Works Agency
Recommendation: Adopt A Resolution 1) Rejecting All Bids Submitted For The
Historic East 18th Street Pier Overlook Reconstruction Project (C242212); 2)
Waiving Further Competitive Bidding Requirements; And 3) Authorizing The City
Administrator To Purchase The Necessary Construction Services And Materials For
The Project On The Open Market In An Amount Not To Exceed One Million Three
Hundred Thousand Dollars (\$1,300,000.00), Without Return To The City Council
[07-0301](#)

Scheduled to *Public Works Committee on 6/12/2007

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S-4-21 Subject: Environmentally Preferable Purchasing Policy
From: Public Works Agency
Recommendation: Adopt A Resolution Adopting An Environmentally Preferable
Purchasing Policy For The City Of Oakland That Adds Environmental And Human
Health Attribute Criteria In The Acquisition Of Goods And Services,
Complementing Traditional Purchasing Criteria Such As Performance, Quality,
Service, Price And Local Availability And In Goods And Services Provided Through
Grant Programs By City Grant Recipients
[07-0302](#)

***Withdrawn with No New Date**

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S-4-22 Subject: ELS Architecture And Urban Design Agreement - Amendment 3
Fro: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her
Designee, To Waive The Competitive Request-For-Proposal Process For
Professional Services And To Execute Amendment No. 3 To The Professional
Services Agreement With ELS Architecture And Urban Design To Revise And
Develop A Phased Master Plan And To Provide Full Design And Construction
Support Services For Phase One Of The East Oakland Sports Complex Project At
Ira Jinkins Park In An Amount Not To Exceed One Million Six Hundred Thousand
Dollars (\$1,600,000.00), Bringing The Total Not To Exceed Contract Amount To
Two Million Four Hundred Twenty Two Thousand And Nine Hundred Ninety-Two
Dollars (\$2,422,992.00)
[07-0303](#)

Scheduled to *Public Works Committee on 6/26/2007

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S-4-23 Subject: Equal Access Ordinance Implementation
From: Office of Personnel
Recommendation: Action On A Follow-Up Report On The Status Of The Implementation Of The Equal Access Ordinance And Recommendations For Improving Language Access To City Of Oakland Services
[07-0292](#)

Scheduled to *Finance & Management Committee on 6/12/2007

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- [View report.pdf](#)
- [\(Attachment A\) Language Population Map.pdf](#)
- [View Supplemental Report.pdf](#)

S-4-24 Subject: Raiders Surcharge - Citywide Youth Activities
From: Office of the City Administrator
Recommendation: Adopt A Resolution Increasing Estimated Revenue And Offsetting Appropriation From The 2006 Raiders Ticket Surcharge And Authorizing A Transfer Of \$174,505.75 From The Non-Departmental Citywide Activities To The Office Of Parks And Recreation To Benefit Citywide Youth Activities
[07-0304](#)

Scheduled to *Finance & Management Committee on 6/26/2007

- [View Report.pdf](#)
- [View Supplemental Report.pdf](#)
- [80708 CMS.pdf](#)

FROM THE MAY 22, 2007 PUBLIC WORKS COMMITTEE AGENDA

Subject: Ban Of Plastic Carry-Out Bags
From: Councilmembers Nancy Nadel and Jean Quan
Recommendation: A Request To Withdraw From The May 22, 2007 Public Works Committee Agenda An Ordinance Banning The Use Of Petroleum-Based Non-Biodegradable Plastic Carry-Out Bags At Affected Retail Establishments In The City Of Oakland And Encouraging A Minimum 5-Cent Surcharge On Paper Bags To Reflect Their True Environmental Costs, And Providing Education And Incentives For Shoppers To Save Resources By Using Their Own Re-Useable Cloth Bags At Affected Retail Establishments In The City; And Reschedule To The June 26, 2007 Public Works Committee Agenda

REASON: The City Attorney's Office needs additional time to review and approve recent revisions to the proposed Ordinance.

[07-0277](#)

***Withdrawn and Rescheduled to *Public Works Committee on 6/26/2007**

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[05-17 Rules Item 4](#)

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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Mohammad H. Qayoumi - Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution In Honor Of The June 1, 2007 Inauguration Of The Fourth President Of California State University, East Bay, Mohammad H. Qayoumi
[07-0313](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/5/2007**

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[80593 CMS.pdf](#)

Subject: Police Recruitment Campaign Award Recognition
From: Finance and Management Agency - Personnel
Recommendation: Hear A Presentation Recognizing The City Of Oakland's Police Recruitment Campaign For Winning Two Bronze Awards At This Year's Greater San Francisco Advertising "ADDY" Awards, For The "Justice Pays" Display Ads And For The "It's A Day Job" Print Ad. The ADDY Awards Recognize Excellence In All Forms Of Advertising From Media Of All Types
[07-0314](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/5/2007**

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Subject: Voluntary Earthquake Retrofitting Incentive Program
From: Councilmembers Jean Quan and Jane Brunner
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Adopting Oakland Municipal Code Chapter 15.30 To Establish A Voluntary Seismic Strengthening Reimbursement Incentive Program For Residential Buildings And Amending The Master Fee Schedule To Establish A Voluntary Seismic Strengthening Permit Fee; And
[07-0315](#)

Scheduled to *Finance & Management Committee on 6/12/2007

This item will also appear on the June 12, 2007 Community and Economic Development Committee Agenda

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2) A Resolution Authorizing Creation Of A Reserved Account In The General Fund To Provide Funding For The Voluntary Seismic Strengthening Reimbursement Incentive Program With A Portion Of The Annual Receipts From The Real Property Transfer Tax (Oakland Municipal Code Title 4, Chapter 4.20) In An Amount Not To Exceed \$500,000 For The 2007-2008 Fiscal Year And \$1,000,000 For Each Fiscal Year Thereafter.

[07-0315-1](#)

Scheduled to *Finance & Management Committee on 6/12/2007

This item will also appear on the June 12, 2007 Community and Economic Development Committee Agenda

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5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of May 29, 2007 and the Rules and Legislation Committee meeting of May 31, 2007

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

Votes: Excused; 1 - Chair De La Fuente

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

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[05-17 Rules Item 5](#)

[View Item.pdf](#)

6 Subject: Analysis Of Assembly Bill 499
From: Council President Ignacio De La Fuente
Recommendation: Adopt A Resolution (1) In Support Of Assembly Bill #499 (Swanson), If Amended As Provided Herein, Authorizing A Lengthier Detention Of Minors For Prostitution Offenses And Providing For Their Placement In A Secured Facility For Treatment As Sexually Exploited Minors In Lieu Of Criminal Prosecution And (2) Directing The City's Legislative Lobbyist To Advance The City's Interests

[07-0190](#)

A motion was made by Member Reid, seconded by Vice Mayor 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 June 5, 2007 as a Consent Calendar item. The motion carried by the following vote:

Votes: Excused; 1 - Chair De La Fuente

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

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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[80618 CMS.pdf](#)

7 Subject: Lobbyist Registration Act Amendment
From: Public Ethics Commission
Recommendation: Adopt An Ordinance Amending Chapter 3.20 Of The Oakland Municipal Code To Require That Local Governmental Lobbyists Publicly Disclose Their Campaign Fundraising Activities
[07-0209](#)

Continued to *Rules & Legislation Committee on 5/31/2007

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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[12803 CMS.pdf](#)

8 A Review of the Boards and Commission Directory and Vacancies

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

Votes: Excused; 1 - Chair De La Fuente

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

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[BandC update 5-17-07](#)

[January 2007 Directory Update.pdf](#)

[January 2007 Boards and Commission Directory.pdf](#)

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 Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:46 AM.

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

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[TDD](#)

* 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