



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 14, 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 11:00 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 30, 2011**

A motion was made by President Pro Tempore De La Fuente, 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

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

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

[rules071411](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of July 19, 2011 (SUPPLEMENTAL)

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

S-4.1 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](#)

A motion was made that this matter be Scheduled to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, to be heard at the July 26, 2011 meeting. 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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S-4.2 Subject: Deputy City Attorney V And Special Counsel MOU
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And The Deputy City Attorney V And Special Counsel Association, Representing Employees In Representation Unit U41 Covering The Period From July 1, 2011, Through June 30, 2013; On The July 26, 2011 Special City Council Meeting Agenda
[10-0820](#)

Continued to *Rules & Legislation Committee on 7/21/2011

This item was continued to the Rules and Legislation Committee of July 21, 2011.

S-4.3 Subject: Local 1021 MOU - Specified Units
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving Memoranda Of Understanding Between The City Of Oakland And The Service Employees International Union, Local 1021, Representing Employees In Representation Units SB1, SC1 And SD1, Covering The Period Of July 1, 2011 Through June 30, 2013
[10-0821](#)

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

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S-4.4 Subject: Local 1021 MOU - Part-Time Unit
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving Memoranda Of Understanding Between The City Of Oakland And The Service Employees International Union, Local 1021 Part-Time Unit Representing Employees In Representation Units SI1 For The Period Of July 1, 2011 Through June 30, 2013
[10-0822](#)

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

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S-4.5 Subject: Local 21 MOU - Units TA1, TF1, TM2, TW1, UH1, UM1 And UM2
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers Local 21, Representing Employees In Representation Units TA1, TF1, TM2, TW1, UH1, UM1 And UM2, Covering The Period From July 1, 2011, Through June 30, 2013
[10-0823](#)

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

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S-4.6 Subject: Local 21 MOU - Deputy City Attorney I-IV
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers Local 21, Deputy City Attorney I-IV Representing Employees In Representation Unit TM1 For The Period Of July 1, 2011 Through June 30, 2011
[10-0824](#)

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

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S-4.7 Subject: International Brotherhood of Electrical Workers - MOU
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The International Brotherhood Of Electrical Workers Representing Employees In Representation Units IE1 And TV1 For The Period Of July 1, 2011 Through June 30, 2013
[10-0825](#)

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

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S-4.8 Subject: Confidential Management Employees Association - MOU
From: Department of Human Resources Management
Recommendation: Adopt A Resolution Approving the Memorandum of Understanding between the City of Oakland and the Confidential Management Employees Association Representing Employees in Representation Unit U31 for the Period of July 1, 2011 through June 30, 2013
[10-0826](#)

Continued to *Rules & Legislation Committee on 7/21/2011

This item will return to the July 21, 2011 Rules and Legislation Committee for scheduling.

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S-4.9 Subject: IAF Local 55 - MOU FQ1
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving Memoranda Of Understanding Between The City Of Oakland And The International Association Of Firefighters Local 55 Representing Employees In Bargaining Unit FQ1 For The Period Of July 1, 2011 Through June 30, 2014
[10-0828](#)

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

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S-4.10 Subject: Oakland Police Officers Association MOU - PP1 And UN2
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution Approving Memoranda Of Understanding Between The City Of Oakland And The Oakland Police Officers Association Representing Employees In Bargaining Unit PP1 And UN2 For The Period Of July 1, 2011 Through June 30, 2015
[10-0829](#)

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

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S-4.11 Subject: Rehabilitation Of The City's Transitional Housing Facility
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Funding In The Amount Of \$250,000 From The State Of California Emergency Housing And Assistance Program Capital Development (EHAPCD) For The Rehabilitation Of The City's Transitional Housing Facility At 3824 West Street For Fiscal Year 2011/2012, And Execute Contracts With Appropriate Contractors Without Returning To Council
[10-0819](#)

Scheduled to *Life Enrichment Committee on 9/13/2011

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S-4.12 Subject: Vice Mayor Brooks Travel - Beaumont, Texas
From: Vice Mayor Desley Brooks
Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Beaumont, Texas To Attend The National League Of Cities National Black Caucus Of Local Elected Officials' Annual Summer Conference: Empowering Our Communities, Strengthening Our Leaders From August 10-13, 2011
[10-0827](#)

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

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S-4.13 Subject: Consistency Among Building Inspectors
From: Councilmembers Brunner And Kaplan
Recommendation: Receive An Informational Report And/ Or Action On Recommendations To Require Consistency Among Building Inspectors In Order To Prevent Conflicting Directions To Business And/Or Property Owners
[10-0813](#)

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

There was one speaker on this item.

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S-4.14 Subject: Economic Development Strategy For The City Of Oakland
From: Councilmember Brunner
Recommendation: Receive An Informational Report And/ Or Action On The Community And Economic Development Director's Economic Development Strategy For The City Of Oakland
[10-0814](#)

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

There was one speaker on this item.

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S-4.15 Subject: ORA/City Council Meeting Cancellation
From: Council President Larry Reid
Recommendation: A Request To Cancel The ORA/City Council Meeting Of September 6, 2011
[10-0830](#)

At this time the September 6, 2011 Concurrent Meeting of the Oakland Redevelopment Agency/City Council was cancelled.

There was one speaker on this item.

S-4.16 Subject: Library Advisory Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Approving The Nomination Of Ruby Bernstein And Kathryn Sterbenc To The Library Advisory Commission
[10-0815](#)

Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 7/26/2011
There was one speaker on this item.

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S-4.17 Subject: Police and Fire Retirement Board Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Approving the Mayor's Nomination of Cynthia Blumgart to the Police and Fire Retirement Board as Insurance Representative
[10-0816](#)

Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 7/26/2011
There was one speaker on this item.

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S-4.18 Subject: Distribution Acceptance And Appropriation
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate A Distribution From The Virginia A. Baldwin Trust To The Oakland Public Library In The Amount Of \$75,000
[10-0817](#)

Scheduled to *Life Enrichment Committee on 9/13/2011

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S-4.19 Subject: Annual Software Maintenance Agreement - Innovative Interfaces
From: Oakland Public Library
Recommendation: Adopt A Resolution Waiving Advertising, Bidding And Request For Proposals, And Authorizing The City Administrator, Or Her Designee, To Execute An Annual Agreement With Innovative Interfaces, Inc. Including All Necessary Computer Hardware, Software And Telecommunication Equipment For A Total Maintenance Contract Amount Not To Exceed Four Hundred Thousand Dollars (\$400,000) And Upgrades Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000) For A Five Year Period
[10-0818](#)

Scheduled to *Life Enrichment Committee on 9/13/2011

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S-4.20 Subject: Sale Of Sand And Gravel Municode Amendment
From: Councilmember Kaplan
Recommendation Adopt An Ordinance Repealing The Ordinance Sale Of Sand And Gravel
Muni Code 5.70.040 Removing The Ordinance Which Puts The City Of Oakland Rather Than
The County In Charge Of Regulating Units Of Measure In This Industry; On The September
13, 2011 Public Safety Committee Agenda
[10-0808](#)

No Action Taken

S-4.21 Subject: Repeal Of Pornographic Material-Possession in Public Place
From: Councilmember Kaplan
Recommendation: Adopt An ordinance repealing the ordinance Pornographic
Material-Possession in Public Places Prohibited Muni Code 9.08.130 removing the ordinance
which prohibits the sale of pornographic material; On the September 13, 2011 Public Safety
Committee Agenda
[10-0809](#)

No Action Taken

S-4.22 Subject: Eliminating Limitations On Sale Of Contraceptives
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance Repealing The Ordinance Regulating Sale Of
Contraceptives Muni Code 8.40.100 Removing The Ordinance Which Bans The Sale Of
Contraceptives By Persons Other Than Licensed Physicians And Pharmacists; On The
September 13, 2011 Public Safety Committee Agenda
[10-0810](#)

No Action Taken

S-4.23 Subject: Marathons Municode Amendment
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance To Remove Ordinance 9.08.200 Marathons From The
Municipal Code. The Ordinance Currently Forbids Any Public Exhibition Of Endurance
Contests, Including Dance And Skate Marathons. The Ordinance Is Too Broadly Worded And
No Longer Relevant; On The September 13, 2011 Public Safety Committee Agenda
[10-0811](#)

No Action Taken

S-4.24 Subject: Pickle Manufacturing - Municode Amendment
 From: Councilmember Kaplan
 Recommendation: Adopt An Ordinance To Remove Ordinance 5.70.030 (Pickle Manufacturing) From The Municipal Code. As It Stands, Ordinance 5.70.030 Prohibits The Storage Or Production Of More Than 1,000 Gallons Of Pickles Within One City Block. The Ordinance Has Outlived Its Utility; On The September 13, 2011 Public Safety Committee Agenda
[10-0812](#)

No Action Taken

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Requests Submitted On The Dias:

#1 Subject: Annual Compliance Plan - Equal Access
 From: Office Of The City Administrator
 Recommendation: A Request To Withdraw An Item Previously Scheduled To The July 26, 2011 Special City Council Agenda And Reschedule To The September 13, 2011 Finance And Management Committee Agenda

Receive An Informational Report On Annual Compliance Plan Of The Equal Access To Services Ordinance And Settlement Agreement

[10-0752](#)

This item will return to the July 21, 2011 Rules and Legislation Committee for scheduling.

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#2 Subject: Redevelopment Agency Continuance And Payment Obligations
 From: Community And Economic Development Agency
 Recommendation: Adopt An Ordinance Continuing The Existence Of The Redevelopment Agency Of The City Of Oakland And Declaring Compliance With Payment Obligations Of Part 1.9, Division 24, Of The California Health And Safety Code
[10-0831](#)

Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council

Vice Mayor Brooks 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

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#3 Subject: Municipal ID System
From: President Pro Tempore De La Fuente
Recommendation: Receive A Status Update And Explanation Of The Delays Associated With
The Implementation Of Oakland's Municipal ID System
[10-0483](#)

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

Vice Mayor Brooks is noted as voting No.

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5 A review of the Council Committees' actions from July 12, 2011 and determination of
scheduling to the ORA/City Council meeting of July 19, 2011 or future dates (MATRIX)
**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

There was one speaker on this item.

[rules071411item5](#)

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6 A review of the Agendas for the Council Committees of July 26, 2011 and the Rules and
Legislation Committee Meeting of July 28, 2011

**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

There was one speaker on this item.

[rules071411item6](#)

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There was one speaker 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 12:02
P.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