



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 10, 2008

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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Present: Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:42 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

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The office of the City Attorney scheduled a Closed Session for Tuesday, July 15, 2008 from 2:30 PM to 6:00 PM

*The following individual spoke on this item:
- Sanjiv Handa*

2 **Approval of the Draft Minutes from the Committee meetings of June 19, 2008 and June 26, 2008**

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

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

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

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

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

[rules 071008](#)

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4 Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting of July 15, 2008 (SUPPLEMENTAL)

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A motion was made by Member Chang, seconded by Member Brunner, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

[07-10 Rules Item 4](#)

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S-4-1 Subject: Grant Funds Disbursements - Police Services And Vehicle Replacement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Hundred Ninety-Four Thousand Nine Hundred Eighty-Nine Dollars And Fifty Cents (\$194,989.50) From The U.S. Department Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program To The Oakland Police Department To Supplement Frontline Policing Services And Partially Offset The Costs Associated With Marked Vehicle Replacements Over Granting Period Of July 1, 2008 Through June 30, 2009

[07-1554](#)

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Scheduled to *Public Safety Committee on 9/23/2008

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S-4-2 Subject: DNA Backlog Reduction Grant Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Grant Funds In The Amount Of Two Hundred Twenty Thousand Eight Hundred Eighty- Four Dollars (\$220,884) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ), To The Oakland Police Department For The 2008 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department For The Period Of October 1, 2008 Through March 31, 2010

[07-1555](#)

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Scheduled to *Public Safety Committee on 10/14/2008

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S-4-3 Subject: The Fourth Of July Annual Holiday Report
From: Oakland Police Department
Recommendation: Receive An Annual Informational Report From The Office Of Chief Of Police Detailing The Department's Efforts To Manage Various Events Conducted Throughout The City Of Oakland During The Fourth Of July Holiday, Including The Fireworks Display At Jack London Square, And Illegal Fireworks And Sideshow Activities
[07-1556](#)

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Scheduled to *Public Safety Committee on 9/23/2008

The following individual spoke on this item:

- Sanjiv Handa
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S-4-4 Subject: Asset Forfeiture Fund
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or A Designee, To 1) Enter Into A Memorandum Of Understanding, For The Period Of September 30, 2008 Through October 1, 2009 And Renewable Annually, With The US Department Of Justice, Bureau Of Alcohol, Tobacco, Firearms And Explosives (ATF) And The Oakland Police Department (OPD) To Cooperate In The Operation Of A Joint Oakland Firearm And Gang Task Force (Task Force), And 2) Accept And Appropriate Reimbursement Funds From The US Department Of Justice Asset Forfeiture Fund To The Oakland Police Department For Investigator Overtime And Other Asset Forfeiture Fund Authorized Reimbursements In Accordance With The Existing Federal Sharing Agreement
[07-1560](#)

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Scheduled to *Public Safety Committee on 7/22/2008

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[81537 CMS.pdf](#)

S-4-5 Subject: Permitted Bingo Operations - Annual Hall Fees
 From: Office of the City Administrator
 Recommendation: Adopt The Following Pieces Of Legislation:
 1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Charging Bingo Game Operators More Than Fair Market Value For The Facilities, Goods And Services Provided By The Halls, 4) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 5) Subject Bingo Hall Operators To Audit Of Their Oakland Bingo Activities, 6) Specify That The Annual Bingo Hall Permit Fee, Audit Fee, And Police Services Fee Are Established By The Master Fee Schedule, 7) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 8) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 9) Require Bingo Game Permittees To Conduct Traditional Called Bingo Every Day That Electronic Bingo Is Available, 10) Prohibit Use Of Illegal Bingo Machines, 11) Provide For Administrative Penalty For Violations, 12) Limit Amount And Quantity Of Door Prizes, And 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits; And
[07-1233](#)

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2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Include In The Annual Bingo Hall Permit Fee That Portion Of Law Enforcement And Public Safety Costs Attributable To Bingo Halls

[07-1233-1](#)

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Subject: Additional Fees For Administrative Costs Related To Bingo Ordinance
 From: Office Of The City Auditor
 Recommendation: Recieve An Informational Report From The Office of the City Auditor Requesting A Legal Analysis On Additional Fees For Administrative Costs Related To Bingo Ordinance
[07-1233-2](#)

Scheduled to *Public Safety Committee on 9/23/2008

Subject: Use Of Bingo Profits For Charitable Purposes In The City Of Oakland
From: Office Of The City Attorney
Recommendation: Receive A Legal Opinion From The Office Of The City Attorney On The Use Of Bingo Profits For Charitable Purposes Within The City Of Oakland; On The September 23, 3008 Public Safety Committee Agenda
[07-1233-3](#)

Scheduled to *Public Safety Committee on 10/14/2008

S-4-6 Subject: Five-Year Forecast - Fiscal Years 2010-2014
From: Budget Office
Recommendation: Receive An Informational Report On The General Purpose Fund (1010) Five-Year Forecast - Fiscal Years 2010-2014
[07-1557](#)

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Scheduled to *Finance & Management Committee on 10/14/2008

S-4-7 Subject: Oakland Unified School District - Pursuit Policy
From: Vice Mayor Larry Reid
Recommendation: A Request To Withdraw From The September 23, 2008 Public Safety Committee Agenda An Informational Report Presenting The Pursuit Policy Of The Oakland Unified School District And Whether Their Policy Is Aligned With The Oakland Police Department's Pursuit Policy; On The September 23,2008 Public Safety Committee Agenda; With No New Date
[07-1475](#)

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***Withdrawn with No New Date**

S-4-8 Subject: Oakland Fund For Children and Youth - Ballot Measure
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 4, 2008 Statewide General Election, A Measure To Increase Funding Over A 7-Year Period To The Oakland Fund For Children And Youth Allocated From The City's Unrestricted General Fund Revenues And Make The Oakland Fund For Children And Youth A Permanent Part Of The Oakland City Budget; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2008, Statewide General Election
[07-1551](#)

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Not Accepted

The following individual spoke on this item:

- Miguel Bustos
- Edward Hannemann
- Sam Cobbs
- Steven Eckert
- Patricia Hannum
- Jermaine Ashley
- Anna Maria Luera
- Kim Miyoshi
- Helen Hutchison
- Sanjiv Handa

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S-4-9 Subject: Year-End Revenue And Expenditure Report
From: Councilmember Jean Quan
Recommendation: A Request To Withdraw From The September 23, 2008 Finance And Management Committee Agenda An Informational Report On Fiscal Year 2007-2008 Year-End Revenue And Expenditure Results For The City's General Purpose Fund; And With No New Date

Reason: This Information Will Be Incorporated Into The Report Scheduled For The Special Meeting On September 30, 2008

[07-1552](#)

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Scheduled to *Finance & Management Committee on 9/23/2008

S-4-10 Subject: Film Industry In Oakland
From: Councilmember Pat Kernighan
Recommendation: Action On A Report And Recommendations Analyzing The
Economic Benefits Of Film Companies Doing Filming In Oakland And The Impact
Of Parking Fees On The Amount Of Filming That Is Being Done
[07-1561](#)

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Scheduled to *Finance & Management Committee on 10/14/2008

The following individual spoke on this item:

- Sanjiv Handa

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S-4-11 Subject: Salary Policies And Provisions
From: Councilmember Quan
Recommendation: Adopt An Ordinance (1) Amending The Salary Ordinance, (2)
Setting Forth The Council's Compensation Policies And Provisions For City
Employees, Officials And Officers, (3) Memorializing The Authority And Discretion
The Council Has Granted To The City Administrator Regarding Fixing
Compensation And (4) Supplementing Ordinance No. 12187 C.M.S.
[07-1562](#)

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The following individual spoke on this item:

- Sanjiv Handa

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S-4-12 Subject: Favoritism In City Employment
From: Council President De La Fuente
Recommendation: Adopt An Ordinance Amending Title 9 Of The City Of Oakland
Municipal Code By Adding A New Chapter, 2.38, Entitled Anti-Nepotism Policy,
To Prevent Nepotism And Favoritism In Hiring Administration
[07-1563](#)

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The following individual spoke on this item:

- Sanjiv Handa

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S-4-13 Subject: Williams And Reliant Settlement Utilization
From: Councilmember Nadel
Recommendation: Receive An Informational Report From The Community And Economic Development Agency Regarding The Utilization Of \$375,000 Allocated For Fiscal Year 2007-2009, From The Williams And Reliant Energy Settlements, For The Purpose Of Increasing City-Wide Energy Efficiency And Green Building Activities, Including The Number Of Staff Assigned, Whether Staff Have Assigned Duties Other Than Energy Related Work, And If Not, Who Is Performing Staff's Former Duties, Or If New Staff Has Been Hired For The Energy Related Work
[07-1564](#)

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Scheduled to *Community & Economic Development Committee on 9/23/2008
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S-4-14 Subject: Permanent Access To Housing Grant Agreements
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Grant Agreements Not To Exceed Total Allocation Of \$673,362, With Agencies Selected Under The City Of Oakland's 2008-2009 Permanent Access To Housing (PATH) Strategy To Provide Housing And Services To The Homeless; To Allocate \$133,000 In Match Funds To East Oakland Community Project For The 2008-2009 Families In Transition Program; To Release A Second Request For Proposals Under The 2008-2009 Path Strategy To Fill Service Gaps, Total Allocation Not To Exceed \$128,574; To Allocate Up To \$52,750 In Match Funds To East Oakland Community Project For The 2008-2009 Matilda Cleveland Transitional Housing Program (MCTHP); To Allocate Funds To Cover 2008/2009 Lease Cost At The MCTHP Facility In The Amount Of \$36,000; And To Allocate \$10,000 To The City's 2008/2009 Hunger Program; On The July 15, 2008 City Council Agenda
[07-1479](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
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[81494 CMS.pdf](#)

S-4-15 Subject: Purchase Of Real Property - 5859 Foothill Boulevard
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 5859 Foothill Boulevard, From Community Fund LLC For \$480,000 Less The Cost Of Environmental Site Remediation And Authorizing Up To \$50,000 For Costs For Demolition And Real Estate Closing
[07-1422](#)

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Scheduled to *Finance & Management Committee on 7/22/2008

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[2008-0084 CMS.pdf](#)

S-4-16 Subject: Oak Center Redevelopment Plan - Parcel 6
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The July 22, 2008 Community And Economic Development Committee Agenda Adopt An Agency Resolution Authorizing A Variance To The Oak Center Redevelopment Plan For Parcel 6 Of The Proposed Development On 1158 14th Street And 1401 Adeline Street By Bobbie And Arrece Jameson To Reduce Setback Requirements; And Reschedule To The September 23, 2008 Community And Economic Development Committee Agenda
[07-1505](#)

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Scheduled to *Community & Economic Development Committee on 9/23/2008

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S-4-17 Subject: Ventures, LLC Loan - 1396 5th Street
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of 1396 Fifth Street (Former Red Star Yeast Factory) In West Oakland From 1396 Fifth Street LLC For A Purchase Price Not To Exceed \$2,750,000 Less Environmental Remediation Costs, Plus Closing Costs In An Amount Of \$60,000 (TITLE CHANGE)
[07-1507](#)

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Scheduled to *Community & Economic Development Committee on 7/22/2008

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[2008-0086 CMS.pdf](#)

S-4-18 Subject: Library Teen Zone Improvements Project
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On The Local And Small Local Business Enterprise Participation Level Of The Construction Contract For The Main Library Teen Zone Improvements Project
[07-1558](#)

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Scheduled to *Public Safety Committee on 7/22/2008

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S-4-19 Subject: Oakland Green Jobs Corps Training Program
From: Office of The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into A Professional Services Agreement With Laney College To Operate The Oakland Green Jobs Corps Training Program In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) For The Period Beginning August 1, 2008, Through January 31, 2010 And Appropriating The Funds From The City Facilities Energy Conservation Projects Fund And Williams And Reliant Energy Settlement Project To The City Facilities Energy Conservation Projects Fund, Workforce Development Organization And Green Jobs Corps Project
[07-1559](#)

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Scheduled to *Public Works Committee on 7/22/2008

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[81508 CMS.pdf](#)

S-4-20 Subject: Public Ethics Commission - Municipal Code Amendments
From: Public Ethics Commission
Recommendation: Adopt An Ordinance Amending Chapter 2.24 Of The Oakland Municipal Code Pertaining To The Functions, Duties, Authority, And Composition Of The Public Ethics Commission
[07-1553](#)

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Scheduled to *Rules & Legislation Committee on 9/25/2008

The following individual spoke on this item:

- Sanjiv Handa

ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Measure M Performance Audit
From: Office of the City Auditor
Recommendation: Receive An Informational Report On The Measure M Performance Audit: The City Used Emergency Medical Services Funds Appropriately
[07-1565](#)

Scheduled to *Finance & Management Committee on 7/22/2008

[View Report.pdf](#)

Subject: Measure N Performance Audit
From: Office of the City Auditor
Recommendation: Receive An Informational Report On The Measure N Performance Audit: The City Used Paramedic Services Funds Appropriately
[07-1566](#)

Scheduled to *Finance & Management Committee on 7/22/2008

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- 5 A review of the Council Committees' actions from July 8, 2008 and determination of scheduling to the ORA/City Council meeting of July 15, 2008 or future dates (MATRIX)
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A motion was made by Vice Mayor Reid, seconded by Member Chang, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

[07-10 Rules Item 5](#)

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- 6 A review of the Agendas for the Council Committees for the meeting(s) of July 22, 2008 and the Rules and Legislation Committee for the meeting of July 24, 2008 CANCELLATION NOTICE
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A motion was made by Member Chang, seconded by Member Brunner, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

[07-10 Rules Item 6](#)

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7 Action On The City Council's State Legislative Proposals And Agenda

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The following individual spoke on this item:

- Councilmember Kernighan
- Roy Alper
- Zack Wasserman
- Marcus Johnson
- Jonah Zern
- Sanjiv Handa

Subject: Opposition To State Initiative 07-0094 - The Runner Initiative

From: Councilmember Nancy Nadel

Recommendation: Adopt A Resolution Opposing California State Initiative 07-0094, The Runner Initiative, A Proposed Ballot Measure That Would Annually Shift Half A Billion Dollars In State Resources From Education And Crime And Violence Prevention Services To Increase Funding For Criminal Justice Programs That Will A) Facilitate The Prosecution Of More Youth As Adults; B) Increase Penalties For Drug Offenses And Offenses Alleged To Be "Gang" Related; C) Create Mandatory Criminal Background Checks For Housing Subsidy Recipients; And D) Prohibit Bail For Undocumented Immigrants Charged With "Gang Related" Felonies

[07-1334](#)

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A motion was made by Vice Mayor Reid, seconded by Member Chang, that this matter be Scheduled to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, to be heard at the July 15, 2008 meeting. The motion carried by the following vote:

Votes: Aye; 4 - Member Chang, Vice Mayor Reid, Member Brunner and Chair De La Fuente

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[81474 CMS.pdf](#)

Subject: Spousal Retirement Benefits Ballot Measure
From: Finance and Management Agency
Recommendation: Adopt A Resolution Submitting, On The Oakland City Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Allowing All Widows And Widowers Of Members Of The City Of Oakland Police And Fire Retirement Systems Who Remarry To Receive Spousal Retirement Benefits" To Be Submitted To The Electors At The Election Of November 4, 2008; Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities

[07-1487](#)

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A motion was made by Member Chang, seconded by Member 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 July 15, 2008. The motion carried by the following vote:

Votes: Excused; 1 - Member Brunner

Aye; 3 - Member Chang, Vice Mayor Reid and Chair De La Fuente

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Subject: Police Services Ballot Measure

From: Office of the Mayor

Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 4, 2008 Statewide General Election, A Proposed Ordinance Creating A Special Parcel Tax For Increased Police Personnel; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2008, Statewide General Election

[07-1485](#)

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No Action Taken

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Subject: Police Services Ballot Measure
 From: Councilmember Jane Brunner
 Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 4, 2008 Statewide General Election, A Proposed Ordinance Creating A Special Parcel Tax To Increase Police Personnel And Add A Data Management System; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2008, Statewide General Election
[07-1485-1](#)

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A motion was made by Member Brunner, seconded by Vice Mayor Reid, 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 July 15, 2008. The motion carried by the following vote:

Votes: No; 1 - Chair De La Fuente
 Aye; 3 - Member Chang, Vice Mayor Reid and Member Brunner
The Committee approved recommendations and directed that the City Attorney prepare amendment language regarding: 1) Maintaining the Measure Y commitment of 803 officers in the City; 2) Setting the number of officers to fully staff the Criminal Investigations Division; 3) Adding the GPS system under the Data Management System section; and 4) Further defining "Administrative Costs" so it is clear what the money will be used for
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[81483 CMS.pdf](#)
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Subject: Support Of Assembly Bill 2058
 From: Public Works Agency
 Recommendation: Adopt A Resolution In Support Of Assembly Bill 2058 (Levine) - Recycling: Plastic Carryout Bags, Paper Carryout Bags, Which Would Require On Or After July 1, 2011, A Store To Provide Plastic Carryout Bags To Customers For Not Less Than \$0.25 Per Bag If The Store Does Not Meet Or Exceed A Plastic Carryout Bag Diversion Rate Of 70% And To Provide Paper Carryout Bags To Customers For Not Less Than \$0.25 Per Bag
[07-1515](#)

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A motion was made by Member Chang, seconded by Chair De La Fuente, 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 July 15, 2008. The motion carried by the following vote:

Votes: Abstained; 1 - Vice Mayor Reid
 Excused; 1 - Member Brunner
 Aye; 2 - Member Chang and Chair De La Fuente
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[81497 CMS.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual 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 10:42 AM.

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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