



City of Oakland Meeting Agenda

*Rules & Legislation Committee

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, September 27, 2007

10:30 AM

City Council Chambers - 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

Jane Brunner, District 1 ; Larry Reid, District 7; Vice Mayor Henry Chang, At-Large; and Chairperson Ignacio De La Fuente, District 5

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meeting of September 13, 2007
- 3 Determination of Schedule of Outstanding Committee Items
([Rules Pndg 9-27](#))
- 4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of October 2, 2007 (SUPPLEMENTAL)

S-4-2 Subject: False Alarm Billing Software Acquisition
From: Oakland Police Department
Recommendation: A Request To Withdraw From The October 9, 2007 Finance And Management Committee Agenda A Resolution Authorizing The City Administrator To Transfer One Hundred Seventy-Seven Thousand Three Hundred Thirty-Four Dollars (\$177,334.00) From The Oakland Police Department Fiscal Year 2006-2007 General Purpose Operating Budget To The Finance And Management Agency's Revenue Division Fiscal Year 2006-2007 General Purpose Operating Budget To Support Continuation Of The Security Alarm Program, And Authorize Waiving The Competitive Bid Process And Authorizing An Increase To The Previously Approved Contract For Software And Maintenance Services With Progressive Solutions, Inc. For The Acquisition Of Additional Software To Administer The Billing And Collection Of False Alarm Permits And Fines In The Amount Of One Hundred Five Thousand Dollars (\$105,000.00) For A Total Contract Amount Not-To-Exceed Seven Hundred Twenty-Two Thousand Dollars (\$722,000.00); And Place On The Pending List No Specific Date

Reason: Significant funding issues surrounding the FARU program as proposed.

[\(07-0145-1\)](#)

S-4-3 Subject: Emergency Vehicle Operations Course
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute An Agreement With The California Commission On Peace Officer Standards And Training (POST) For The Purpose Of Permitting The Police Department To Present The POST Certified Emergency Vehicle Operations Course (EVOC) To 150 Police Officer Trainees, And To Receive Up To Sixty Six Thousand Seven Hundred Fifty Dollars (\$66,750) In Reimbursement Funds; On The October 9, 2007 Public Safety Committee

[\(07-0653\)](#)

S-4-4 Subject: Instant Runoff Voting - Implementation
From: Office of the City Attorney
Recommendation: Hear A Presentation By Alameda County Registrar Dave Macdonald Regarding The Implementation Of Instant Runoff Voting In Alameda County; On The October 16, 2007 City Council Agenda

[\(07-0658\)](#)

S-4-5 Subject: Darryl Ko - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Darryl Ko V. City Of Oakland, Alameda County Superior Court Case No. RG06-263328 In The Amount Of \$9,000 (Public Works Agency); On The October 16, 2007 City Council Agenda
[\(07-0659\)](#)

S-4-6 Subject: Sydney S. L. Buffet - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Sydney S.L. Buffet V. City Of Oakland, Et Al., Alameda County Superior Court No. RG06265728, Our File No. 25094, In The Amount Of \$20,000.00 (Public Works Agency - Trip And Fall); On The October 16, 2007 City Council Agenda
[\(07-0671\)](#)

S-4-7 Subject: Joe Morgan - Recognition
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Honoring Joe Morgan For His Four Decades Of Service And Generosity To The Youth Of Oakland; As A Ceremonial Item On The November 6, 2007 City Council Agenda
[\(07-0637\)](#)

S-4-8 Subject: Access To Reproductive Health Care Facilities
From: Councilmembers Nancy Nadel and Jane Brunner
Recommendation: Adopt An Ordinance Amending Title 8 Of The City Of Oakland Municipal Code By Adding A New Chapter, 8.50, Entitled "Access To Reproductive Health Care Facilities," And New Sections 8.50.010 Through_____, To Protect Access To Reproductive Health Care Facilities And Creating A Private Right Of Action For Violations Of This Chapter; On The October 23, 2007 Public Safety Committee Agenda
[\(07-0638\)](#)

S-4-9 Subject: United Nations Month
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Declaring October 2007 United Nations Month In The City Of Oakland And Authorizing The City Of Oakland To Serve As Honorary Sponsor Of The United Nations Association-USA East Bay's Anniversary Flag Ceremony; As A Ceremonial Item On The October 16, 2007 City Council Agenda
[\(07-0639\)](#)

S-4-10 Subject: Residential Permit Parking Program - Jack London Square
From: Councilmember Nancy Nadel
Recommendation: Approve The Introduction (First Reading) Of An Ordinance Amending The City Of Oakland Municipal Code, Chapter 10, Section 10.44 "Residential Permit Parking Program" To Establish A Three-Year, Limited Duration Mixed Use Permit Parking Program In The Jack London District On A Cost-Neutral Basis; On The October 16, 2007 City Council Agenda

[\(07-0640\)](#)

S-4-11 Subject: Family Request - Tomas Melero Smith
From: Councilmember Larry Reid
Recommendation: Action On A Request From The Family Of Tomas Melero Smith, Who Was Fatally Shot On September 1, 2007, For A Response By The City Council On The Petition Sent On September 10th On Behalf Of The Family; On The October 9, 2007 Public Safety Committee Agenda

[\(07-0666\)](#)

S-4-12 Subject: Analysis Of Senate Constitutional Amendment 12
From: Council President De La Fuente
Recommendation: An Urgency Request For Public Works Agency To Prepare An Analysis And Recommendation Regarding SCA 12 (Torlakson And Yee) Senate Constitutional Amendment No. 12 Related To Stormwater Fees; On The October 2, 2007 City Council Agenda

(Reason for Urgent Action: The Governor and Legislature have expressed a desire to include a Water Bond on the November 2008 ballot. The City's State lobbyist has recently informed the City that legislation authorizing a ballot measure will be adopted in late October or early November. SCA 12 may be included in the water bond ballot measure. Early input from the City of Oakland regarding the City's position and recommendations for amendments to the bill is necessary as soon as possible.)

[\(07-0669\)](#)

S-4-13 Subject: Analysis Of Senate Bill 3XX And Senate Bill 4XX
From: Council President De La Fuente
Recommendation: An Urgency Request For Public Works Agency To Prepare An Analysis And Recommendation Regarding SB 3XX (Codgill And Ackerman) Water Supply Reliability Bond Act Of 2008 And SB 4XX (Codgill) Water Resources; Bond Funds; On The October 2, 2007 City Council Agenda

(Reason For Urgency Action: The Governor And Legislature Have Expressed A Desire To Include A Water Bond On The November 2008 Ballot. The City's State Lobbyist Has Recently Informed City Staff That Both These Bills, Proposing A Spending Program And Authorizing A Ballot Measure Will Be Adopted In Late October Or Early November. Early Input From The City Of Oakland Regarding The City's Position And Recommendations For Amendments To The Bill Is Necessary As Soon As Possible.)

[\(07-0670\)](#)

S-4-14 Subject: Purchasing And Contracting Disparity Study
From: Contracting and Purchasing
Recommendation: Action On A Report On The Findings And Recommendations Of The Fairness In Purchasing And Contracting Disparity Study; For Scheduling

[\(07-0607\)](#)

S-4-15 Subject: Oakland Convention And Visitors Bureau Report
From: Cultural Arts And Marketing
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Two-Year Professional Services Agreement With The Oakland Convention & Visitors Bureau To Provide Visitor Marketing Services In An Amount Not To Exceed \$650,000 For Fiscal Year 2007-2008 And \$650,000 For Fiscal Year 2008-2009; On The October 23, 2007 Community And Economic Development Committee Agenda

[\(07-0668\)](#)

S-4-16 Subject: Request For Proposals - Children And Youth Services
From: Department of Human Services
Recommendation: Receive An Informational Report On The Oakland Fund For Children And Youth Request For Proposals For Services For Children And Youth For Fiscal Year 2008-2009; On The November 13, 2007 Life Enrichment Committee Agenda

[\(07-0650\)](#)

- S-4-17 Subject: Oakland Fund For Children And Youth Evaluation Report
From: Department of Human Services
Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And Youth Final Evaluation Report For Fiscal Year 2006-2007; On The October 9, 2007 Life Enrichment Committee Agenda
[\(07-0651\)](#)
- S-4-18 Subject: Anka Behavioral Health - Winter Shelter Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Enter Into A Six Month Agreement In The Amount Of \$306,000 With Anka Behavioral Health, Inc. To Operate The Oakland Army Base Temporary Winter Shelter (OABTWS), And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base, And (3) Accept And Appropriate \$125,000 From Alameda County, And \$66,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base, (4) Allocate \$15,000 In CDBG Funds For Tenant Improvements To The Winter Shelter; And (5) Enter Into An Agreement With Anka Behavioral Health, Inc. For \$22,094 For Purchase And Installation Of Security Cameras At The Henry Robinson Multi-Service Center; On The October 9, 2007 Life Enrichment Committee Agenda
[\(07-0654\)](#)
- S-4-19 Subject: California Model Housing Code Amendment
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The October 9, 2007 Community And Economic Development Committee Agenda An Ordinance Adopting Local Amendments To The 2007 Edition Of The California Model Housing Code, California Code Of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1, Section 32, And Amending Oakland Municipal Code Chapter 15.08; And Reschedule To The November 27, 2007 Community And Economic Development Committee Agenda

Reason: Additional time to coordinate the adoption of the 2007 Fire Code with the Fire Marshal
[\(07-0273\)](#)

S-4-20 Subject: California Model Building Code Amendment
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The October 9, 2007
Community And Economic Development Committee Agenda Legislation
Adopting Local Amendments To The 2007 Editions Of The California
Model Building Codes, California Code Of Regulations (CCR), Title 24,
Parts 2, 4, And 5 (Building Code, Plumbing Code, Mechanical Code), And
Amending Oakland Municipal Code Chapter 15.04; And Reschedule To
The November 27, 2007 Community And Economic Development
Committee Agenda

Reason: Additional time to coordinate the adoption of the 2007 Fire Code
with the Fire Marshal

[\(07-0274\)](#)

S-4-21 Subject: Zoning And General Plan Conformance
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance To Extend The Interim Land Use
Controls Governing Zoning And General Plan Conformance; On The
October 9, 2007 Community And Economic Development Committee
Agenda

[\(07-0583\)](#)

S-4-22 Subject: 7th Street Community Partners - ENA Extension
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The October 9, 2007
Community And Economic Development Committee Agenda A Resolution
Authorizing An Extension Of The Exclusive Negotiating Agreement With
7th Street Community Partners, LLC, To Development The Block Bounded
By 5th, 7th, Kirkham And Union Streets In West Oakland; And Place On
The Committee's Pending List

Reason: The additional time will allow staff and the developer to resolve
internal issues and to update the West Oakland Project Area Committee
(WOPAC) and gain this group's input before the item is heard by the CED
Committee. The subject property lies within the West Oakland
Redevelopment Project Area. Staff will schedule the WOPAC update for
its October 10, 2007 meeting. After that meeting, staff will request a new
CED Committee date.

[\(07-0585\)](#)

S-4-23 Subject: Transportation Workshop
From: Community and Economic Development Agency
Recommendation: Conduct A Transportation Workshop At 5:00 P.M.; On
The October 30, 2007 City Council Agenda

[\(07-0611\)](#)

- S-4-24 Subject: Re-Designation Of The Oakland Enterprise Zone
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Submit An Enterprise Zone Application To The State Of California Department Of Housing And Community Development For The Re-Designation Of The Oakland Enterprise Zone For An Additional 15 Years; On The October 9, 2007 Community And Economic Development Committee Agenda
[\(07-0641\)](#)
- S-4-25 Subject: Rebuilding Together Oakland
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A \$50,000 Grant From Broadway/MacArthur/San Pablo Redevelopment Funds To Rebuilding Together Oakland To Rehabilitate Houses And/Or Facilities For Low-Income Seniors And/Or Disabled Persons Within The Project Area; On The October 23, 2007 Community And Economic Development Committee Agenda
[\(07-0642\)](#)
- S-4-26 Subject: Community Redevelopment Unit
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On The New Community Redevelopment Unit In The Redevelopment Division Of The Community And Economic Development Agency; On The November 13, 2007 Community And Economic Development Committee Agenda
[\(07-0643\)](#)
- S-4-27 Subject: Revocable And Conditional Permit - 1362 And 1370 East 27th Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Bartley And Mary Faherty A Revocable And Conditional Permit For An Existing Detached Garage And Front Stairs At 1362 And 1370 East 27th Street To Encroach Into The Public Right-Of-Way; On The October 23, 2007 Public Works Committee Agenda
[\(07-0645\)](#)
- S-4-28 Subject: New Public Street - Uptown Oakland Project
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Designating A New Public Street As 'Rashida Muhammad Street' That Will Connect 19th Street, William Street, And Thomas L. Berkley Way For The UpTown Oakland Project; On The October 23, 2007 Public Works Committee Agenda And As A Public Hearing On The November 6, 2007 City Council Agenda
[\(07-0646\)](#)

- S-4-29 Subject: 5248 Telegraph Avenue - Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal And Upholding The Planning Commission Approval For Case File Number CDV06-476 & TPM-9212 (Construction Of 33 Dwelling Units Over Ground Floor Commercial At 5248 Telegraph Avenue); On The October 16, 2007 City Council Agenda
[\(07-0660\)](#)
- S-4-30 Subject: 40th Street MacArthur Transit Hub Improvements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Ray's Electric In The Amount Of One Million Eight Hundred Fifty-Six Thousand Eight Hundred Twenty Dollars (\$1,856,820.00) For 40th Street, MacArthur Transit Hub Improvements (Project No. G283010); On The October 23, 2007 Public Works Committee Agenda
[\(07-0661\)](#)
- S-4-31 Subject: Public Safety And Police Services Program
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Redevelopment Agency Resolution Adopting A Public Safety And Police Services Program For An Amount Not-To-Exceed \$5,202,000 Of Previously Allocated Redevelopment Funds For Fiscal Year 2007-2009; And
[\(07-0662\)](#)
- 2) A Resolution Accepting And Appropriating An Amount Not-To-Exceed \$327,250 From Broadway MacArthur/San Pablo Redevelopment Area For Eighteen Months Of Patrol Enhancement To Be Included In The Same Program; On The October 23, 2007 Community And Economic Development Committee Agenda
[\(07-0662-1\)](#)
- S-4-32 Subject: Implementation And Redevelopment Plans - Various Projects
From: Community and Economic Development Agency
Recommendation: Action On The Mid-Term Review Of The Five Year Implementation Plans And Redevelopment Plans For The Acorn, Broadway/MacArthur/San Pablo, Central District, Coliseum, Oak Center, Oakland Army Base And Stanford/Adeline Redevelopment Projects; On The November 27, 2007 Community And Economic Development Committee Agenda; And As A Public Hearing On The December 4, 2007 City Council Agenda
[\(07-0663\)](#)

- S-4-33 Subject: Oakland Museum Renovation Project
From: Oakland Museum
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate Donated Funds In An Amount Not To Exceed Eight Hundred Eighty-Five Thousand Seven Hundred And Ninety-Five Dollars (\$885,795.00) From The Oakland Museum Of California Foundation For Reimbursement Of The City Staff Costs In The Oakland Museum Of California Renovation Project; On The October 9, 2007 Life Enrichment Committee Agenda
[\(07-0672\)](#)
- S-4-34 Subject: Fleet Utilization Report
From: Public Works Agency
Recommendation: A Request To Withdraw From The September 25, 2007 Finance And Management Committee Agenda An Informational Report On The City's Fleet Utilization; And Reschedule To The November 13, 2007 Finance And Management Committee Agenda

Reason: Survey of job classifications incomplete, equipment pool expansion incomplete.
[\(07-0296\)](#)
- S-4-35 Subject: Gender Disparity Study
From: Finance and Management Agency
Recommendation: Action On A Report On The Findings And Recommendations Of Phase II Of The Race And Gender Disparity Study Of The City's Workforce Diversity In Comparison To The Relevant Labor Pool; On The October 30, 2007 City Council Agenda
[\(07-0609\)](#)
- S-4-36 Subject: Business Tax Ordinance Amendment
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Chapter 5, Article 4 Of The Oakland Municipal Code To Correct And Clarify Various Provisions Of The Business License Tax Ordinance, To Establish A Late Filing Fee, To Remove Provisions From The Business Tax Ordinance That Are Obsolete Or Repealed By Operation Of Law Or Court Action, To Exempt Owners Of Low Income Housing Tax-Credit Financed Affordable Housing Developments From The Business Tax, And To Codify Certain Previously Adopted Business Tax Regulations And Policies; On The October 9, 2007 Finance And Management Committee Agenda
[\(07-0664\)](#)

S-4-37 Subject: Chapter 1.20 Administrative Appeals - Amendment
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Chapter 1.20 Of The
Oakland Municipal Code To Establish And Codify Requirements For
Claims For Money Or Damages Against The City Of Oakland That Are Not
Otherwise Governed By The Claims Presentation Provisions Of The
Government Claims Act, California Government Code Sections 900 Et
Seq., Or Other State Law; On The October 9, 2007 Finance And
Management Committee Agenda

(07-0665)

(09-27 Rules 4)

5 A review of the Council Committees' actions from September 25, 2007 and determination
of scheduling to the ORA/City Council meeting of October 2, 2007 or future dates
(MATRIX)

(09-27 Rules 5)

6 A review of the Agendas for the Council Committees for the meeting(s) of October 9,
2007 and the Rules and Legislation Committee for the meeting of October 11, 2007

(09-27 rules 6)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

NOTE: Americans With Disabilities Act
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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.

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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.

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item