

DRAFT



City of Oakland Meeting Minutes

*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, October 09, 2008

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules and Legislation Committee convened at 10:49 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, October 21, 2008 from 4 PM to 6 PM

2 Approval of the Draft Minutes from the Committee meeting of September 25, 2008

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There were no minutes to approve because the meeting was cancelled

3 Determination of Schedule of Outstanding Committee Items

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There was no action necessary for this item

[10-09 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of October 14, 2008 (SUPPLEMENTAL)

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A motion was made by Member Brunner, seconded by Member Chang, 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

[10-09 Rules Item 4](#)

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S-4-1 Subject: 2008 Secure Our Schools Grant Program
From: Oakland Police Department
Recommendation: A Request To Withdraw From The October 28, 2008 Public Safety Committee Agenda A Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to: 1) Accept and Appropriate Grant Funds From The U.S. Department of Justice, Office of Community Oriented Policing Services (DOJ/COPS) Secure Our Schools Grant Program to the Oakland Police Department (OPD) in an Amount Not to Exceed One Million Five Hundred Twenty-Five Thousand One Hundred Twenty-Six Dollars (\$1,525,126) for the Period September 1, 2008 Through August 31, 2010 and, 2) Accept and Appropriate Match Funds from the Oakland Unified School District (OUSD) to the Oakland Police Department in an Amount Not to Exceed One Million Five Hundred Twenty-Five Thousand One Hundred Twenty-Six Dollars (\$1,525,126) and, 3) Execute a Memorandum of Understanding (MOU) with the Oakland Unified School District for the Procurement of Surveillance Equipment for the Oakland Secondary School Safety Project
[07-1670](#)

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Scheduled to *Public Safety Committee on 11/12/2008

S-4-2 Subject: Elmhurst Weed And Seed Initiative Funding
From: Office of the City Administrator
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 Fifty Thousand (\$150,000) From The U.S. Department Of Justice, Office Of Justice Programs, Community Capacity Building Office, In Support Of Third Year Program Operations Associated With The Elmhurst Weed And Seed Initiative In The Office Of The City Administrator
[07-1723](#)

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Scheduled to *Public Safety Committee on 11/12/2008

S-4-3 Subject: Municipal Code Amendment - Massage Establishments & Therapists
From: Office of the City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code (OMC) Chapter 5.36, "Massage Establishments And Massage Therapists," To Provide That: A) Chair Massage And Other Fully Clothed Massage, B) Sole Proprietor Massage Therapists, And C) Non-Massage Businesses That Lease Space To Individual Massage Therapists Are Exempt From The Requirement To Obtain A Massage Establishment Permit
[07-1738](#)

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S-4-4 Subject: Sidewalk Safety And Maintenance - Liability
From: Office of the City Attorney
Recommendation: Adopt An Ordinance Of The City Of Oakland Adding Chapter
12.22 To The Oakland Municipal Code To Establish Landowner Responsibility And
Liability For Sidewalk Safety And Maintenance
[07-1731](#)

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Scheduled to *Public Works Committee on 10/28/2008

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S-4-5 Subject: Film Industry In Oakland
From: Councilmember Pat Kernighan
Recommendation: A Request To Withdraw From The October 14, 2008 Finance
And Management Committee A Report 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 And An Ordinance Amending Ordinance
Number 12880 C.M.S. (Master Fee Schedule) To Establish A Film Activity Parking
Fee; And Reschedule To The October 28, 2008 Finance And Management
Committee Agenda

Reason: The City Administrator Had Concerns Regarding Possible Revenue
Impacts That Could Not Be Resolved Prior To Publication Of Reports For October
14th Committee Meetings.

[07-1561](#)

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***Withdrawn and Rescheduled to *Finance & Management Committee on
10/28/2008**

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S-4-6 Subject: Opposition To Measure N
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution In Opposition To Local Ballot Measure N On
The November 4, 2008 Ballot, Which Would Impose An Annual One Hundred And
Twenty Dollar (\$120.00) Parcel Tax On Oakland Property Owners To Pay Salary
Increases For Oakland Public School Teachers

[07-1733](#)

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**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/21/2008**

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S-4-7 Subject: Community Policing Advisory Board Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Honoring David Flack For His Dedication And Many Years Of Service To The Community Policing Advisory Board;
[07-1737](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/21/2008

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[81593 CMS.pdf](#)

S-4-8 Subject: Dan Farrell - Recognition
From: Vice Mayor Larry Reid & Councilmember Brooks
Recommendation: Adopt A Honoring Fire Chief Daniel D. Farrell For 28 Years Of Dedicated Service To The City Of Oakland And Wishing Him Continued Success In All Of His Endeavors

[07-1739](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 10/21/2008

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[81602 CMS.pdf](#)

S-4-9 Subject: Travel Moratorium
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Establishing A Moratorium On Travel And Setting Forth Policies For The Approval Of Travel By City Of Oakland Employees, Officials And Officers

[07-1740](#)

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Scheduled to *Finance & Management Committee on 10/28/2008

S-4-10 Subject: Mayor's Street Outreach Program Funding
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate \$100,000 From Evelyn & Walter Haas Jr. Fund For Coordination, Technical Assistance, Training And Capacity Building For Mayor's Street Outreach Program, Measure Y Providers And Community Policing Officers For Fiscal Year 2008-2009; On The November 12, 2008 Public Safety Committee Agenda

[07-1722](#)

Scheduled to *Public Safety Committee on 12/9/2008

DRAFT

S-4-11 Subject: Measure Y Violence Prevention Strategies
From: Department of Human Services
Recommendation: Action On A Report And Recommendations On Measure Y Funded Violence Prevention Strategies And The Request For Proposal Process For Fiscal Year 2009-2010; On The November 12, 2008 Public Safety Committee Agenda
[07-1734](#)
Scheduled to *Public Safety Committee on 12/9/2008

S-4-12 Subject: Chappell-Hayes Health Clinic Improvements
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For And Accept A Grant For \$473,707 From The U.S. Department Of Health And Human Services, Health Resources And Services Administration (HRSA), For Capital Improvements To The Chappell-Hayes Health Clinic At McClymonds High School And To Execute Contract With Oakland Unified School District (OUSD) In An Amount Not To Exceed \$473,707 For The Period September 1, 2008 Though August 31, 2009; On The November 12, 2008 Public Safety Committee Agenda
[07-1735](#)

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Scheduled to *Public Safety Committee on 11/12/2008

S-4-13 Subject: Second Step Curriculum Funding
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Measure Y Grant Agreement With Oakland Unified School District In The Amount Of An Additional \$44,016 For Fiscal Year 2008-2009, Resulting In A Total Contract Amount Of \$277,348, To Provide Violence Prevention Curriculum (Second Step) To Middle Schools; On The November 12, 2008 Public Safety Committee Agenda
[07-1736](#)

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Scheduled to *Public Safety Committee on 12/9/2008

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S-4-14 Subject: Vacating Peralta Street
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The November 12, 2008 Public Works Committee Agenda The Following Pieces Of Legislation:

1) An Ordinance Authorizing The City Administrator Without Returning To Council To Acquire The Underlying Fee Simple Interest Of A Portion Of The Mandela Parkway Right-Of-Way By An Equivalent Exchange Without Compensation Of A Portion Of The Peralta Street Right-Of-Way Near The Intersections Of West Grand Avenue And 20th Street Between The City And Hemmat And Dokhanchy Associates And Brian Collins; And
[07-1004](#)

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***Withdrawn and Rescheduled to *Public Works Committee on 11/12/2008**

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2) A Resolution Summarily Vacating A Portion Of The Peralta Street Right-Of-Way Between The Intersections Of West Grand Avenue and 20th Street To Brian Collins And Hemmat And Dokhanchy Associates
[07-1004-1](#)

***Withdrawn and Rescheduled to *Public Works Committee on 11/12/2008**

Subject: Vacating Peralta Street
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On A Request From The Owner of 2001 Mandela Parkway To Modify The Proposed Boundary Of The Peralta Street Vacation; And Reschedule To The December 2, 2008 Public Works Committee Agenda

Reason: Property Owners Who Will Receive The Vacated Right-Of-Way Have Asked To Postpone The Item To The December 2 Meeting Of The Public Works Committee, To Allow Them Time To Provide A Written Response To The Protest
[07-1004-2](#)

***Withdrawn and Rescheduled to *Public Works Committee on 11/12/2008**

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S-4-15 Subject: Central Estuary Area Specific Plan - Contract Agreement
From: Community And Economic Development Agency
Recommendation: A Request To Withdraw From The October 28, 2008 Community And Economic Development Committee Agenda A Resolution Authorizing The City Administrator To Execute A Professional Services Agreement with _____* For Preparation of The Central Estuary Area Specific Plan and Related Environmental Impact Report In An Amount Not To Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00); And Reschedule To The November 12, 2008 Community And Economic Development Committee Agenda

Reason: Consultant Interview And Selection Process Will Not Be Completed In Time For Materials To Be Prepared For The Originally Scheduled Committee Date.
[07-1680](#)

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***Withdrawn and Rescheduled to *Community & Economic Development Committee on 11/12/2008**

S-4-16 Subject: Oakland Maritime Support Services - ENA Extension
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending The Exclusive Negotiating Agreement With Oakland Maritime Support Services For The Development Of 15 Acres Within The Former Oakland Army Base To Extend The Term Of The Agreement From August 11, 2008 To February 28, 2009
[07-1685](#)

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Scheduled to *Community & Economic Development Committee on 10/28/2008

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S-4-17 Subject: Sidewalk Repair Priority Plan
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Establishing A Five Year Prioritization Plan For The City Of Oakland's Sidewalk Repair Program And Allocating Sidewalk Repair Funds To Specific Categories Of Repair Each Year
[07-1711](#)

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Scheduled to *Public Works Committee on 10/28/2008

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S-4-18 Subject: Vacating 3207 Mandela Parkway
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Vacating A Remnant Portion Of Public
Right-Of-Way Adjacent To 3207 Mandela Parkway, And Authorizing The Sale Of
The Vacated Right-Of-Way
[07-1724](#)

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Scheduled to *Public Works Committee on 11/12/2008

S-4-19 Subject: Purchase Of Three Landlocked Parcels
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Authorizing The Purchase Of Three
Landlocked Parcels Behind Leimert Avenue And Adjacent To Dimond Park (APN
029A-1353-011-2; 029A-1353-013-2 And APN 029A-1354-001-1)From The
County Of Alameda Tax Collector For A Total Price Not To Exceed \$27,000 Plus
Interest
[07-1725](#)

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Scheduled to *Finance & Management Committee on 11/12/2008

S-4-20 Subject: Oakland Ice Center - First Year Report
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On San Jose Arena
Management's First Year Of Management Of The Oakland Ice Center; On The
December 9, 2008 Community And Economic Development Committee Agenda
[07-1726](#)

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**Scheduled to *Community & Economic Development Committee on
12/9/2008**

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S-4-21 Subject: Rockridge Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2009-2010 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board; On The November 12, 2008 Community And Economic Development Committee Agenda; Followed By December 2 And December 16, 2008 City Council Agendas To Satisfy Statutory Deadlines
[07-1727](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/2/2008

S-4-22 Subject: Montclair Business Improvement District - Annual Assessment
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2009-2010 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board; On The November 12, 2008 Community And Economic Development Committee Agenda; Followed By December 2 And December 16, 2008 City Council Agendas To Satisfy Statutory Deadlines
[07-1728](#)

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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 12/2/2008

S-4-23 Subject: Streetscape Improvement Projects Funding
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Contributing \$175,000 Of Coliseum Redevelopment Area Project Funds To The City Of Oakland Under The Cooperation Agreement For The Final Design And Implementation Of The Fruitvale Alive Streetscape Project;
[07-1729](#)

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Scheduled to *Public Works Committee on 11/12/2008

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2) A Resolution Accepting And Appropriating \$2,000,000 In Metropolitan Transportation Commission (MTC) Funds, \$619,700 In MTC Housing Incentive Funds, And \$175,000 In Redevelopment Agency Funds Under The Cooperation Agreement, For The Final Design And Implementation Of The Fruitvale Alive Streetscape Project;

[07-1729-1](#)

Scheduled to *Public Works Committee on 11/12/2008

3) An Agency Resolution Contributing \$91,000 Of Oakland Redevelopment Agency Funds From The Coliseum Area Redevelopment Project To The City Of Oakland Under The Cooperation Agreement For The Construction And Implementation Of The 66th Avenue Streetscape Improvement Project; And

[07-1729-2](#)

Scheduled to *Public Works Committee on 11/12/2008

4) A Resolution Accepting And Appropriating \$700,000 Of Federal Surface Transportation Funds Through The Metropolitan Transportation Commission's Housing Incentive Program (HIP), And \$91,000 In Redevelopment Agency Funds Under The Cooperation Agreement As The Local Match For The 66TM Avenue Streetscape Improvement Project

[07-1729-3](#)

Scheduled to *Public Works Committee on 11/12/2008

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S-4-24 Subject: Oakland Army Base Settlement Agreement - Caltrans
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution:

- A) Authorizing The Agency Administrator To: (A) Negotiate And Execute An Amendment To The April 18, 2002 Oakland Army Base Settlement Agreement To Extend Caltrans' Use Of 26 Acres Of West Gateway Area Property From April 2013 To December 2015, And (B) Accept From Caltrans An Additional Settlement Agreement Payment Amount Of At Least Ten Million Eight Hundred Thirty-Five Thousand Two Hundred Eighty-Three Dollars (\$10,835,283);
 - B) Authorizing The Agency Administrator To Negotiate And Execute An Amendment To May 23, 2005 Purchase And Sale Agreement With Caltrans For 6.5 -Acres Of Oakland Army Base Property;
 - C) Authorizing The Agency Administrator To Negotiate And Execute An Amendment To The April 29, 2005 Under-Freeway Easement From Caltrans To Expand The Agency's Easement Uses To Include Vehicles And Vehicle Storage;
 - D) Authorizing The Agency Administrator To Negotiate And Execute An Easement In Favor Of Caltrans For A San Francisco Bay Trail Connection To Maritime Street; And
 - E) Authorizing The Agency Administrator To Negotiate And Execute A Phase II Tidelands Trust Exchange Agreement For Oakland Army Base Under-Freeway Property; And
- [07-1730](#)

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Scheduled to *Finance & Management Committee on 11/12/2008

2) A City Council Resolution Authorizing The City Administrator To Negotiate And Execute An Amendment To The April 18, 2002 Oakland Army Base Settlement Agreement To Extend Caltrans' Use Of 26 Acres Of West Gateway Area Property From April 2013 To December 2015

[07-1730-1](#)

Scheduled to *Finance & Management Committee on 11/12/2008

DRAFT

S-4-25 Subject: Donation To The Republic Of El Salvador
From: Public Works Agency
Recommendation: Adopt A Resolution Supporting The City's Donation Of Three Overaged Surplus Aerial Ladder Trucks And One Overaged Surplus Fire Hose Wagon, With An Estimated Cumulative Value Of One Thousand Two Hundred Dollars (\$1,200), To The Create A Smile Cross Cultural Exchange Foundation To Be Distributed To The Republic Of El Salvador
[07-1732](#)

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[81592 CMS.pdf](#)

S-4-26 Subject: U. S. Treasury Securities Investment
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of The City Council Of The City Of Oakland Approving The Investment In US Treasury Securities For A Not-To-Exceed 60-Day Period In An Amount Not To Exceed 20% Of The City Portfolio; And Authorizing Execution Of Documents And Taking Of All Necessary Actions Relating To Making Such Investments; And

[07-1741](#)

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[81629 CMS.pdf](#)

2) A Resolution Of The Redevelopment Agency Of The City Of Oakland Approving The Investment In US Treasury Securities For A Not-To-Exceed 60-Day Period In An Amount Not To Exceed 20% Of The City Portfolio; And Authorizing Execution Of Documents And Taking Of All Necessary Actions Relating To Making Such Investments

[07-1741-1](#)

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

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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

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Subject: City Of Oakland Budget
From: Office of the City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Amendments To The Biennial Budget As The Financial Plan For Conducting The Affairs Of The City Of Oakland For Fiscal Years 2007-2009 By (1) Amending The Midcycle Policy Budget (Adopted By Resolution No. 81485 C.M.S. On July 15, 2008) To Reflect Further Changes To Revenues And Expenditures In Various Funding Sources, Eliminate The Budget Deficit And Balance The Budget For Fiscal Year 2008-2009; And (2) Appropriating Certain Funds To Provide For The Expenditures Proposed By Said Budget;

[07-1747](#)

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2) An Agency Resolution Amending The Mid-Cycle Policy Budget For Fiscal Year 2008-2009 Adopted Through Resolution No. 2008-0074 C.M.S. On July 15, 2008, To Reflect Further Changes To Revenues And Expenditures In Various Funding Sources;

[07-1747-1](#)

3) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Increase Certain Parking Fees Assessed By The Finance And Management Agency; And

[07-1747-2](#)

2) An Ordinance Amending Oakland Municipal Code Section 10.48.010 "Schedule Of Parking Fines" To Increase Parking Fines

[07-1747-3](#)

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting(s) of October 21, 2008 and Rules and Legislation Committee meeting of October 23, 2008

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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

[10-09 Rules Item 5](#)

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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 11:27 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.

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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