



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, July 23, 2009

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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Excused: Member De La Fuente

Present: Member Quan, Member Reid and Chair Brunner

The Oakland City Council Rules and Legislation Committee convened at 10:54 AM, with Council President Brunner presiding as Chairperson.

1 Closed Session

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

Votes: Excused; 1 - Member De La Fuente

Aye; 3 - Member Quan, Member Reid and Chair Brunner

The office of the City Attorney scheduled a Closed Session for Tuesday, July 28 from 3 PM to 5 PM

2 Approval of the Draft Minutes from the Committee meeting of July 9, 2009

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There were no minutes to approve

3 Determination of Schedule of Outstanding Committee Items

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

Votes: Excused; 1 - Member De La Fuente

Aye; 3 - Member Quan, Member Reid and Chair Brunner

[07-23 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of July 28, 2009 (SUPPLEMENTAL)

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

Votes: Excused; 1 - Member De La Fuente

Aye; 3 - Member Quan, Member Reid and Chair Brunner

The following individual spoke on this item:

- Sanjiv Handa

[07-23 Rules Item 4](#)

[View Report.pdf](#)

S-4-1 Subject: Criminal History Access
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Approve The Fire Chief And/Or His Designated Representative To Access Summary Criminal History Information Of Oakland Fire Department Sworn Personnel For Emergency Medical Technician Licensing And Certification Purposes As Required By Adoption Of Assembly Bill 2917 (Torrico) During The 2007-2008 Session, Which Amended Sections Of The Health And Safety Code Regarding Emergency Medical Services Personnel
[09-0678](#)

Scheduled to *Public Safety Committee on 9/15/2009

S-4-2 Subject: Metropolitan Medical Response System Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept A Three Hundred Twenty One Thousand Two Hundred Twenty One Dollar (\$321,221) Metropolitan Medical Response System (MMRS) Grant From The Governors Office Of Homeland Security To Fund Oakland Fire Department MMRS Program Planning, Equipment And Training; On The October 27, 2009 Public Safety Committee Agenda
[09-0698](#)

Scheduled to *Public Safety Committee on 10/27/2009

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- S-4-3 Subject: False Alarm Reduction Unit Program Contract
From: Oakland Police Department
Recommendation: Discussion And Possible Action On A Report And Recommendation Detailing The Results Of The Request For Proposals (RFP) Process Conducted By The Oakland Police Department To Identify And Select A Contractor For The Administration Of The Oakland Police Department's False Alarm Reduction Unit Program; On The September 15, 2009 Finance And Management Committee Agenda
[09-0697](#)
Scheduled to *Finance & Management Committee on 9/15/2009
- S-4-4 Subject: Performance Measures - Various Agencies
From: Budget Office
Recommendation: Receive An Informational Report On Revised Performance Measures For Parking, Finance, Information Technology, And Human Resources; On The October 13, 2009 Finance And Management Committee Agenda
[09-0704](#)
Scheduled to *Finance & Management Committee on 10/13/2009
- S-4-5 Subject: Citywide Performance Measures Tracking
From: Budget Office
Recommendation: Action On A Report And Recommendations Regarding Improvements To Oakland's Citywide Performance Measurement And Reporting System; On The October 13, 2009 Finance And Management Committee Agenda
[09-0705](#)
Scheduled to *Finance & Management Committee on 10/13/2009
- S-4-6 Subject: Charles Hahn, The Serenader - Appeal
From: Office of the City Administrator
Recommendation: Conduct A Public Hearing On Charles Hahn's Appeal Of The Administrative Hearing Officer's Decision To Revoke His Permit To Operate A Cabaret, The Serenader At 504 Lake Park Ave., And Upon Conclusion Adopt A Resolution Affirming Hearing Officer's Decision; On The September 22, 2009 City Council Agenda
[09-0706](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 9/22/2009

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S-4-7 Subject: Kids First! Audit
 From: Budget Office
 Recommendation: Receive A Follow-Up Report On The City Auditor's Kids First!
Oakland Children's Fund Performance Audit Report, Including City Attorney's
Opinion On Unrestricted Revenues And Administrative Instructions On Future
Set-Aside Calculations; On The October 13, 2009 Finance And Management
Committee
[09-0709](#)

Scheduled to *Finance & Management Committee on 10/13/2009

S-4-8 Subject: Measure Y Audit
 From: Office of the City Auditor
 Recommendation: Receive The Performance Audit Of The Measure Y Violence
Prevention Program; On The
[09-0669](#)

Scheduled to *Public Safety Committee on 9/15/2009

S-4-9 Subject: Whistleblower Program Report
 From: Office of the City Auditor
 Recommendation: Receive An Informational Report To City Council On The City
Auditor's Whistleblower Program; On The September 22, 2009 City Council
Agenda
[09-0670](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 9/22/2009**

S-4-10 Subject: Public Works Agency Audit
 From: Office of the City Auditor
 Recommendation: Receive The Performance Audit Of The Public Works Agency;
On The September 22, 2009 City Council Agenda
[09-0671](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 9/22/2009**

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- S-4-11 Subject: Municipal Identification Program - Implementation
From: Office of the City Clerk
Recommendation: Discussion And Action On A Report And Recommendations To Implement The Municipal Identification Program Within The Office Of The City Clerk Including The Cost Of Funding And Cost Covering For Each Of The Alternatives; On The October 13, 2009 Finance And Management Committee Agenda
[09-0707](#)
Scheduled to *Finance & Management Committee on 10/13/2009
- S-4-12 Subject: Records Management Program - Implementation
From: Office of the City Clerk
Recommendation: Receive A Status Report From The Office Of The City Clerk On The Development And Implementation Of A Comprehensive Records Management Program; On The October 27, 2009 Finance And Management Committee Agenda
[09-0708](#)
Scheduled to *Finance & Management Committee on 10/27/2009
- S-4-13 Subject: Security Pilot Program Report
From: Councilmember Larry Reid
Recommendation: Receive An Informational Report From The Oakland Police Department Regarding The Security Pilot Program Including The Locations And Hours Of Implementation, The Number Of Community And Business Contacts, The Number Of Citations Issued, Number Of Arrests Made, Tangible And Intangible Impacts Of The Program, With Feedback From The Affected Business Owners, And A Statistical Comparison Of Violent Crime Based On The Same Time Last Year In The Impacted Areas; On The October 27, 2009 Public Safety Committee Agenda
[09-0679](#)
Scheduled to *Public Safety Committee on 10/27/2009

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S-4-14 Subject: Condominium Conversions
From: Councilmember Patricia Kernighan
Recommendation: Adopt An Ordinance 1) Amending 16.36.070 As Follows: A) To Establish A Pilot Program Creating An Alternate Way For A Limited Number Of High Rent Apartments To Convert To Condominiums; B) To Facilitate Established And Qualified Tenancy In Common Properties To Convert To Condominiums; And C) To Clarify That Residential Rental Units That Were Constructed Or Created From Nonresidential Space Can Use The Conversion Rights They Generated To Convert Those Rental Units To Condominiums On A One For One Basis And 2) Amending The Master Fee Schedule To Increase Fees Relating To The Processing And Approval Of Condominium Conversions; On The September 29, 2009
Community And Economic Development Committee Agenda
[09-0681](#)

No Action Taken

S-4-15 Subject: 2008-2009 Revenue And Expenditure Results
From: Councilmember Jean Quan
Recommendation: Discussion And Possible Action On Fiscal Year 2008-2009 Year-End Revenue And Expenditure Results For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); On The September 29, 2009
Finance And Management Committee Agenda
[09-0689](#)

Scheduled to *Finance & Management Committee on 9/29/2009

S-4-16 Subject: West Oakland Teen Center
From: Councilmember Nancy Nadel
Recommendation: Receive An Informational Report On The Proposed Design And Programming For The “West Oakland Teen Center”; On The September 29, 2009
Community And Economic Development Committee Agenda
[09-0693](#)

Scheduled to *Community & Economic Development Committee on 9/29/2009

DRAFT

- S-4-17 Subject: Center For Elders Independence Day
From: Council President Jane Brunner
Recommendation: Adopt A Resolution To Declare August 12, 2009, Center For Elders Independence (CEI) Day In Honor Of The Grand Opening Of The New Josie Barrow Program Of All-Inclusive Care For The Elderly (PACE) And In Recognition Of CEI's Service To Seniors And Commitment To Enhancing The Quality Of Life Of East Bay Residents
[09-0694](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/28/2009
[View Report.pdf](#)
[82248 CMS.pdf](#)
- S-4-18 Subject: Unrepresented Employees Terms And Conditions
From: Department Of Human Resources Management
Recommendation: Receive The Annual Report Detailing The Terms And Conditions Of Employment For Unrepresented Employees As Required By Ordinance No. 12903 C.M.S.; On The October 13, 2009 Finance And Management Committee Agenda
[09-0695](#)
Scheduled to *Finance & Management Committee on 10/13/2009
- S-4-19 Subject: Golden Handshake Report
From: Department Of Human Resources Management
Recommendation: Receive An Informational Report On The Number Of Employees Who Retired Under The California Employees' Retirement System (CalPERS) Two Years Additional Service Credit Program ("Golden Handshake"), The Status Of The Positions Vacated, And The Anticipated Budget Savings For Fiscal Year 2009-2011; On The October 13, 2009 Finance And Management Committee Agenda
[09-0696](#)
Scheduled to *Finance & Management Committee on 10/13/2009
- S-4-20 Subject: OFCY - Draft Strategic Plan
From: Department of Human Services
Recommendation: Discussion And Possible Action On The Oakland Fund For Children And Youth Draft Strategic Plan For Goals And Grant Funding Strategies (2011-2013) - For Discussion And Feedback Prior To The Strategic Plan Adoption In October; On The September 29, 2009 Life Enrichment Committee Agenda
[09-0692](#)
Scheduled to *Life Enrichment Committee on 9/29/2009

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S-4-21 Subject: Central District Redevelopment Project Area Projects
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not To Exceed \$908,000 For The Following Public Facility And Park Projects In The Central District Redevelopment Project Area: Lincoln Square Park, Madison Square Park, Malonga Casquelourd Center And Jefferson Square Park; And [09-0676](#)

Scheduled to *Community & Economic Development Committee on 9/15/2009
and as a public hearing on September 22, 2009

2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$908,000 For The Following Public Facility And Park Projects In The Central District Redevelopment Project Area For FY 2010-2012: Lincoln Square Park, Madison Square Park, Malonga Casquelourd Center And Jefferson Square Park; On The September 15, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The September 22, 2009 City Council Agenda
[09-0676-1](#)

Scheduled to *Community & Economic Development Committee on 9/15/2009
and as a public hearing on September 22, 2009

S-4-22 Subject: Rent Adjustment Program Report
From: Community and Economic Development Agency
Recommendation: Receive The Annual Report Of The Rent Adjustment Program For Fiscal Year 2008-2009; On The September 15, 2009 Community And Economic Development Committee Agenda
[09-0677](#)

Scheduled to *Community & Economic Development Committee on 9/15/2009

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S-4-23 Subject: Chinese Garden Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds To The City Under The Cooperation Agreement In The Amount Of Ninety Two Thousand Dollars (\$92,000.00) For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project;
[09-0699](#)

Scheduled to *Public Works Committee on 9/15/2009

2) A Resolution Authorizing The City To Accept And Appropriate A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In The Amount Of Ninety Two Thousand Dollars (\$92,000.00) For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project; And
[09-0699-1](#)

Scheduled to *Public Works Committee on 9/15/2009

3) A Resolution Authorizing The City Administrator, Or His Designee, To Award A Contract To The Lowest, Responsible, Responsive Bidder, McGuire And Hester, In An Amount Not-To-Exceed Two Hundred Eleven Thousand Seven Hundred Sixty Five Dollars (\$211,765.00) For The Construction Of The Hall Of Pioneers Chinese Garden Improvement Project In Accord With Plans And Specifications For The Project (P338510) And Contractor's Bid Therefor; On The September 15, 2009 Public Works Committee Agenda
[09-0699-2](#)

Scheduled to *Public Works Committee on 9/15/2009

S-4-24 Subject: Vacating Unused Sanitary Sewer Easement - 4346 & 4348 Fruitvale
From: Community and Economic Development Agency
Recommendation: Adopt Two Resolutions Summarily Vacating An Unused Sanitary Sewer Easement Located At 4346 And 4348 Fruitvale Avenue To Simon And Renee Yu; On The September 29, 2009 Public Works Committee Agenda
[09-0700](#)

Scheduled to *Public Works Committee on 9/29/2009

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- S-4-25 Subject: Conditional And Revocable Permit - 729 Willow Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Permit To Truckee Zuring Place LLC To Allow An Existing Building Located At 729 Willow Street To Encroach Into The Public Right-Of-Way; On The September 29, 2009 Public Works Committee Agenda
[09-0701](#)
Scheduled to *Public Works Committee on 9/29/2009
- S-4-26 Subject: Conditional And Revocable Permit - 939 Martin Luther King Jr Way
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Permit To PSK Development LLC To Allow Existing Balconies And A Stair Located At 939 Martin Luther King Jr Way To Encroach Into The Public Right-Of-Way Along 10th Street And Martin Luther King Jr Way; On The September 29, 2009 Public Works Committee Agenda
[09-0702](#)
Scheduled to *Public Works Committee on 9/29/2009
- S-4-27 Subject: Conditional And Revocable Permit - 2228 81st Avenue
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Permit To The Catholic Welfare Corporation Of Oakland To Allow A Modular Classroom Located At 2228 81st Avenue To Encroach Into An Unimproved Portion Of The Public Right-Of-Way; On The September 29, 2009 Public Works Committee Agenda
[09-0703](#)
Scheduled to *Public Works Committee on 9/29/2009
- S-4-28 Subject: Enterprise Zone - Expand Boundaries
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Expansion Of The Boundaries Of The Oakland Enterprise Zone Into Portions Of Emeryville And West Berkeley
[09-0710](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/28/2009
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S-4-29 Subject: Prioritization Of Underground Utility Projects
From: Public Works Agency
Recommendation: Receive A Report From The Public Works Agency Electrical Services Division On The Current Process For Prioritization Of Underground Utility Projects Within The City Of Oakland, With Discussion On The Current "First Come, First Served" Neighborhood Petition Procedure Process; On The September 29, 2009 Public Works Committee Agenda
[09-0672](#)

Scheduled to *Public Works Committee on 9/29/2009

S-4-30 Subject: Street Tree Pruning Program
From: Public Works Agency
Recommendation: Receive A Report From The Public Works Agency Department Of Infrastructure And Operations On Pacific Gas And Electric Comprehensive Street Tree Pruning Program For Trees Under High Voltage Power Lines; On The September 29, 2009 Public Works Committee Agenda
[09-0674](#)

Scheduled to *Public Works Committee on 9/29/2009

S-4-31 Subject: Annual Fleet Report
From: Public Works Agency
Recommendation: Receive The Annual Fleet Status Report; On The November 10, 2009 Finance And Management Committee Agenda
[09-0675](#)

Scheduled to *Public Works Committee on 11/10/2009

S-4-32 Subject: Delinquent Transient Occupancy Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: A Request To Withdraw From The September 22, 2009 City Council Agenda A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes; With No New Date

Reason: Due To The Tax Amnesty Program, This Item Will Not Report Out In September
[09-0072](#)

***Withdrawn with No New Date**

DRAFT

S-4-33 Subject: Delinquent Business Taxes - Public Hearing
From: Finance and Management Agency
Recommendation: A Request To Withdraw From The September 22, 2009 City Council Agenda A Public Hearing On Assessment Of Liens For Delinquent Business Taxes; With No New Date

Reason: Due To The Tax Amnesty Program, This Item Will Not Report Out In September

[09-0074](#)

***Withdrawn with No New Date**

ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Budget Balancing Measures
From: Budget Office
Recommendation: Action On A Follow Up Report And Recommendations Regarding Updated Federal COPS Grant Award Figures, Status On Concessions Achieved From The Police Union, And Additional Possible Budget Balancing Measures For Fiscal Years 2009-2011; On The September 22, 2009 City Council Agenda
[09-0716](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 9/22/2009

Subject: Predevelopment Loan Modifications
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing A Waiver To Resolution No. 64573 C.M.S. To Authorize A Predevelopment Loan To The Urban Strategies Council Or The Oakland Community Land Trust In An Amount To Not To Exceed \$130,000 And To Waive The Requirement For Matching Funds
[09-0717](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/28/2009

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Subject: Boards And Commissions Vacancy Report
From: Council President Jane Brunner
Recommendation: Receive A Status Report And List Of Vacancies On All City Of Oakland Boards And Commissions, Along With The Date Vacated; On The September 24, 2009 Rules And Legislation Committee Agenda
[09-0718](#)

Scheduled to *Rules & Legislation Committee on 9/24/2009

DRAFT

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of August 4, 2009 and the Rules and Legislation Committee for the meeting of August 6, 2009

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

Votes: Excused; 1 - Member De La Fuente
Aye; 3 - Member Quan, Member Reid and Chair Brunner
The following individual spoke on this item:
- Sanjiv Handa

6 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")

There was no action necessary for this item

The following individual spoke on this item:
- Sanjiv Handa

7 Subject: City Charter Section 910 Amendment
From: Councilmember Jean Quan
Recommendation: Discussion And Action On A Report Regarding (1) A Potential Amendment To Oakland City Charter Section 910 That Would Eliminate Binding Arbitration As The Means To Resolve Disputes Between The City And Sworn Members Of The Oakland Police Department Regarding Wages, Hours And Other Terms And Conditions Of Employment That Are Not Resolved Through Negotiations; And (2) A Resolution Submitting On The Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Eliminating The Current Requirement That An Arbitrator Resolve Disputes Between The City And Sworn Members Of The Oakland Police Department Regarding Wages, Hours And Other Terms And Conditions Of Employment That Are Not Resolved Through Negotiations," To Be Submitted To The Electors At The Next Municipal Election
[09-0597](#)

***Withdrawn with No New Date**

The following individual spoke on this item:
- Sanjiv Handa
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[View Supplemental Report.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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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 11:26 AM

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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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[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