



# 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>**

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**Thursday, January 15, 2009**

**10:30 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

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Present: Member Quan, Member Reid, Chair Brunner and Member De La Fuente

1 **Closed Session**

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

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

*The office of the City Attorney scheduled a Closed Session for Tuesday, January 20, 2009 from 4 PM to 6 PM*

2 **Approval of the Draft Minutes from the Committee meeting of January 1, 2009**

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*There was no action necessary for this item*

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

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

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

[01-15 Rules Pending](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of January 20, 2009 (SUPPLEMENTAL)

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

**Votes:** Absent; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[01-15 Rules Item 4](#)

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S-4-1 Subject: Permitted Bingo Operations - Annual Hall Fees  
From: Office of the City Administrator  
Recommendation: A Request To Withdraw From The March 3, 2009 City Council Agenda 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) Prohibit Door Prize Bingo Games, 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 14) Increase The Maximum Game Pay-Out From \$250 To \$500 (TITLE CHANGE); And

[07-1233](#)

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**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/3/2009**

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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; And Reschedule To The March 24, 2009 Public Safety Committee Agenda

Reason: Based On Additional Discussions With Bingo Operators, Staff Plans To Make Changes To The Proposed Amendments. Also, Staff Will Submit The Annual Bingo Report For 2008 In Conjunction With The Revised Proposals.

[07-1233-1](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/3/2009**

*The following individuals spoke on this item:*  
*- Paulette Hogan*

S-4-2      Subject:      Sidewalk Safety And Maintenance - Liability  
From:          Office of the City Attorney  
Recommendation: A Request To Withdraw From The January 20, 2009 City Council Agenda 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; And Reschedule To The February 3, 2009 City Council Agenda

Reason: Councilmember Nadel Has Been Asked By District 3 Constituents To Request That The Rules Committee Reschedule The Sidewalk Liability Issue To A Day Other Than Inauguration Day Because It Is A Very Controversial Issue  
[07-1731](#)

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**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/3/2009**

*The following individuals spoke on this item:*  
*- Paulette Hogan*  
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[View Supplemental Report.pdf](#)

S-4-3      Subject:     Schedule For The Week Of February 9, 2009  
From:        Office of the City Clerk  
Recommendation: A Request To Review The Meeting And Agenda Production And  
Distribution Schedule For The Week Of February 9, 2009  
[09-0030](#)

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**Referred to Staff**

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

S-4-4      Subject:     Fuels Management Report  
From:        Councilmember Jean Quan  
Recommendation: A Request To Withdraw From the February 10, 2009 Public  
Safety Committee Agenda A Report On The Status Of The City Of Oakland  
Regional Fuels Management Project PDMC-PJ-CA-2006-004 And Issues Related  
To The Environmental Assessment For The Project; With No New Date  
[07-1910](#)

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**\*Withdrawn with No New Date**

*The following individuals spoke on this item:*  
- Paulette Hogan  
- Sanjiv Handa

S-4-5      Subject:     Solar Power Financing Program  
From:        Council President Brunner  
Recommendation: Adopt A Resolution And Implementation Plan To Create An  
“Oakland First” Solar Power Financing Program; On The February 24, 2009  
Finance And Management Committee Agenda  
[09-0029](#)

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**Scheduled to \*Finance & Management Committee on 2/24/2009**

S-4-6      Subject:     Public Arts Plan  
From:        Cultural Arts and Marketing  
Recommendation: Adopt A Resolution Adopting The 2009 Public Art Projects Plan  
[09-0010](#)

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**Scheduled to \*Life Enrichment Committee on 2/10/2009**

*The following individuals spoke on this item:*  
- Paulette Hogan

S-4-7      Subject:      Central City East Formation Procedures Amendment  
From:            Community and Economic Development Agency  
Recommendation: Adopt A Resolution Amending The Formation Procedures For  
The Central City East Redevelopment Project Area Committee: 1) To Remove The  
Age Requirement For Existing Community Organization Appointees; And 2) To  
Add Castlemont Leadership Preparatory High School And Mandela High School As  
Alternating "At Large" Community Organizations  
[09-0019](#)

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**Scheduled to \*Community & Economic Development Committee on  
2/10/2009**

S-4-8      Subject:      Lion Creek Crossings - Phase IV  
From:            Community and Economic Development Agency  
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A City Resolution Amending The General Plan Land Use Designation For The  
Project Site From Mixed Housing Type Residential And Urban Residential To  
Neighborhood Center Mixed Use;  
[09-0026](#)

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**Scheduled to \*Community & Economic Development Committee on  
2/24/2009**

2) A City Ordinance Adopting An Amendment To The Coliseum Area Redevelopment Plan  
Revising The Land Use Designation For The Project Site From Mixed Housing Type Residential  
And Urban Residential To Neighborhood Center Mixed Use;  
[09-0026-1](#)

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**Scheduled to \*Community & Economic Development Committee on  
2/24/2009**

3) An Agency Resolution Approving And Recommending Adoption Of An Amendment To The  
Coliseum Area Redevelopment Plan Revising The Land Use Designation For The Project Site  
From Mixed Housing Type Residential And Urban Residential To Neighborhood Center Mixed  
Use;  
[09-0026-2](#)

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**Scheduled to \*Community & Economic Development Committee on  
2/24/2009**

4) A City Ordinance Rezoning The Project Site From The R-36 Small Lot Residential, R-50 Medium Density Residential And M-30 General Industrial Districts To The C-25 Office Commercial District; And

[09-0026-3](#)

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**Scheduled to \*Community & Economic Development Committee on 2/24/2009**

5) A City Resolution Affirming And Sustaining The Planning Commission Decision To Approve The Development Permits (Design Review, Conditional Use Permit, And Variances) For The Project; On The February 24, 2009 Community And Economic Development Committee Agenda; And As A Public Hearing On The March 3, 2009 City Council Agenda

[09-0026-4](#)

**Scheduled to \*Community & Economic Development Committee on 2/24/2009**

*This item will also appear as a Public Hearing on the March 3, 2009 City Council Agenda*

*The following individuals spoke on this item:*

*- Paulette Hogan*

*- Sanjiv Handa*

S-4-9      Subject:      Revocable And Conditional Permit - 1755 Broadway LLC  
From:          Community and Economic Development Agency  
Recommendation: Adopt A Resolution Granting 1755 Broadway LLC A Revocable And Conditional Permit To Allow An Existing Basement For A Building At 1755 Broadway To Encroach Under The Public Sidewalk Along Telegraph Avenue; On The February 24, 2009 Public Works Committee

[09-0027](#)

**Scheduled to \*Public Works Committee on 2/24/2009**

S-4-10      Subject:      Broadway/MacArthur/San Pablo Area Façade Improvement Program  
From:          Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating \$300,000 To The Broadway/MacArthur/San Pablo Redevelopment Project Area Façade Improvement Program And \$300,000 To The Broadway/MacArthur/San Pablo Redevelopment Project Area Tenant Improvement Program; And

[09-0028](#)

**Scheduled to \*Community & Economic Development Committee on 2/10/2009**

2) An Agency Resolution Reallocating \$500,000 From The Downtown Tenant Improvement Program (Retail Entertainment Catalyst Project) To The Downtown Façade Improvement Program  
[09-0028-1](#)

**Scheduled to \*Community & Economic Development Committee on 2/10/2009**

**ADDITIONAL ITEMS SUBMITTED ON THE DAIS**

Subject: Foster Media, Inc. Agreement  
From: Councilmember Patricia Kernighan  
Recommendation: A Request To Withdraw From The February 10, 2009 Community And Economic Development Committee Agenda A Resolution Authorizing The City Administrator To Enter Into A Relocation Agreement With Foster Media, Inc. To Relocate Its Office Facilities From San Francisco To The City Of Oakland And To Establish Operational Facilities In The City Of Oakland In Exchange For A General Outdoor Advertising Permit For An Outdoor Advertising Display To Be Constructed At 277 - 5th Street; With No New Date  
[09-0017](#)

**\*Withdrawn and Rescheduled to \*Community & Economic Development Committee on 2/10/2009**

Subject: Spur Track Maintenance  
From: Office of the City Administrator  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Rescinding No. 80939 C.M.S. Adopted December 4, 2007, To: 1) Restore Resolution No. 23515 C.M.S., Passed August 30, 1949, Which Granted A Revocable Permit For The Maintenance And Operation Of A Spur Track On And Across 23rd Avenue, 29th Avenue, Derby Street, Lancaster Street And Ford Street And Upon And Along Glascock Street Between 29th Avenue And Lancaster Street In The City Of Oakland ("Fruitvale Track"), And 2) Withdraw Previous Direction Regarding The Filing Of An Action For "Adverse Abandonment" Of The Fruitvale Track With The Department Of Transportation Surface Transportation Board, And  
[09-0031](#)

**Scheduled to \*Community & Economic Development Committee on 1/27/2009**

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2) A Resolution Authorizing The City Administrator To Negotiate And Execute A Letter Of Understanding And Subsequent Cooperative Agreement With The California Department Of Transportation ("Caltrans") To Close The Railroad Crossing At 5th Avenue, Known As The Hanlon Lead, Provided That Certain Railroad Safety And Community Improvements Are Implemented On And Around The Fruitvale Track With Funding Provided By Caltrans, All In Connection With Caltrans 5th Avenue Seismic Retrofit Project

[09-0031-1](#)

**Scheduled to \*Community & Economic Development Committee on 1/27/2009**

Subject: Academy Funding Options  
From: The Public Safety Committee  
Recommendation: Receive A Report From The Oakland Police Department Detailing Academy Funding Options To Maintain 803 For The Upcoming Fiscal Cycle And Illustrating The Impact On Sworn Staffing Levels For Each Option

[09-0032](#)

**Scheduled to \*Public Safety Committee on 2/10/2009**

Subject: Mayor's Public Safety Plan  
From: Councilmember Reid  
Recommendation: A Report Requesting A Presentation From The Mayor's Office On The Mayor's Public Safety Plan/Model Including The Justification (e.g. Empirical Data) For The Specific Recommendations, Financial Impact, And The Implementation Status

[09-0033](#)

**Scheduled to \*Public Safety Committee on 2/10/2009**

Subject: Interview Of The New City Administrator  
From: Council President Brunner  
Recommendation: Pursuant To The Sunshine Ordinance (Oakland Municipal Code Section 2.20.070(A), I Am Calling A Special Council Meeting:  
Date: February 3, 2009  
Time: 2:00 PM  
Agenda: Interview Of The Mayor's Appointee To The Position Of City Administrator (City Charter Section 305 (E) Provides That The Mayor Appoints The City Administrator Subject To City Council Confirmation. The Mayor Has Stated That He Will Announce The Appointment On January 26, 2009); On The February 3, 2009 Special City Council Agenda

[09-0034](#)

**Scheduled to \*Rules & Legislation Committee on 1/22/2009**  
*For Scheduling*



Subject: Measure Y Funding Changes  
From: Councilmember Jean Quan  
Recommendation: Receive A Report From The Department Of Human Services Presenting The Rational For The Significant Funding Changes In The Measure Y Violence Prevention Program Strategies Relating To The Mayor's Outreach Programs, Including An Explanation Of Why One Outreach Program Received More Funding Than The Others, And Additional Information On The Clergy Cares Program Including A Description Of Their Role And Function  
[09-0035](#)

**Scheduled to \*Public Safety Committee on 1/27/2009**

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5 A review of the Council Committees' actions from January 13, 2009 and determination of scheduling to the ORA/City Council meeting of January 20, 2009 or future dates (MATRIX)  
[Play Video](#)

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

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

*Item 4 and Item 5 from the January 13, 2009 Finance and Management Committee agenda were moved to the Consent Calendar.*

*The following individuals spoke on this item:*

*- Sanjiv Handa*

[01-15 Rules Item 5](#)

[View Report.pdf](#)

6 A review of the Agendas for the Council Committees for the meetings of January 27, 2009 and the Rules and Legislation Committee for the meeting of January 29, 2009

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

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

*The January 27, 2009 Committee meeting times were changed as follows:*

*Public Works will begin at 9:30 AM*

*Finance and Managment will begin at 11:00 AM*

*Community and Economic Development will begin at 2:00 PM*

*Life Enrichment will begin at 4:00 PM*

*Public Safety will begin at 5:30 PM*

*The January 29, 2009 Rules and Legislaton Committee will begin at 10:45 AM*

*The following individuals spoke on this item:*

*- Sanjiv Handa*

[01-15 Rules Item 6](#)

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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

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*The following individuals spoke under Open Forum:*

*- Paulette Hogan*

*- 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 11:29 AM*

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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.

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*City Clerk and Clerk of the Council*