



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, June 26, 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 10:45 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

The office of the City Attorney scheduled a Closed Session for Tuesday, July 1, 2008 from 4 PM to 6 PM

The following individual spoke on this item:

- Sanjiv Handa

2 **Approval of the Draft Minutes from the Committee meeting of June 12, 2008**

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

Votes: Absent; 1 - Vice Mayor Reid

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

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

There was no action necessary for this item

[6-26-08 Rule PendLst](#)

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4 **Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting of July 1, 2008 (SUPPLEMENTAL)**

**A motion was made by Member Chang, seconded by Vice Mayor Reid, 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

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[06-26 Rules Item 4](#)

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S-4-1 Subject: Petroleum Storage Act Program Grant
From: Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate An Aboveground Petroleum Storage Act Program Grant From The State Of California California Environmental Protection Agency In The Amount Of Sixty-Five Thousand Two Hundred And Sixty-Nine Dollars And Seventy-Nine Cents (\$65,269.79) To The Oakland Fire Department; On The July 22, 2008 Public Safety Committee Agenda
[07-1510](#)
Scheduled to *Public Safety Committee on 9/23/2008

S-4-2 Subject: Mass Care Shelter Sites - OUSD Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into An Agreement With The Oakland Unified School District Regarding The Use Of Oakland Unified School District School Sites During Emergencies For Temporary Mass Care Shelter Sites
[07-1511](#)
Scheduled to *Public Safety Committee on 7/22/2008

S-4-3 Subject: POST Certified Emergency Vehicle Training
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 Period Of July 1, 2008 Through June 30, 2009 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
[07-1500](#)
Scheduled to *Public Safety Committee on 7/22/2008

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- S-4-4 Subject: Excess Litter Fee Program
From: Office of the City Administrator
Recommendation: Receive A Status Report On Excess Litter Fee Program
[07-1509](#)
Scheduled to *Community & Economic Development Committee on 7/22/2008
The following individual spoke on this item:
- Sanjiv Handa
- S-4-5 Subject: Resource Development Associates - Contract
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Resource Development Associates In An Amount Not To Exceed Three Hundred And Fifty Thousand Dollars (\$350,000) For Outcome And Process Evaluation Services Of The Measure Y Violence Prevention Programming, Fiscal Year 2008-2009, July 1, 2008 - June 30, 2009
[07-1512](#)
Scheduled to *Public Safety Committee on 7/8/2008
[View Report.pdf](#)
- S-4-6 Subject: Emad Mirsaeidi - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Acknowledging The Retirement Of Emad Mirsaeidi After Twenty-Three Years Of Dedicated Service To The City Of Oakland
[07-1496](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
The following individual spoke on this item:
- Sanjiv Handa
[View report.pdf](#)
- S-4-7 Subject: Police Services - 3 On 3 Basketball Competition
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Use Of Pay Go In The Amount Of Ten Thousand Dollars (\$10,000.00) For Police Services At The So You Think You Can Hoop 3 On 3 Basketball Competition At The Oracle Arena July 19th And 20th, 2008
[07-1497](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
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- S-4-8 Subject: Wil Hardee - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Wil Hardee For His Outstanding Public Service and Congratulating Him On His Retirement
[07-1498](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
[View Report.pdf](#)
- S-4-9 Subject: Developer Agreements and Disposition And Development Agreement
From: Councilmember Jane Brunner
Recommendation: Receive An Informational Report On The Status Of All Developer Agreements (DA) And Disposition And Development Agreements (DDA) In The Last Ten Years, A List Of The Requirements Of Each Agreement, A Discussion Of Whether Or Not The Developer Has Met All Of The Requirements, And Staff's Plan To Enforce The Requirements If They Have Not Been Met; On The September 23, 2008 Community And Economic Development Committee
[07-1499](#)
Scheduled to *Community & Economic Development Committee on 9/23/2008
- S-4-10 Subject: New Planter Boxes At Lakeview Elementary School
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Authorizing Up To \$3200 Of Councilmember Patricia Kernighan's Pay-Go Funds To The Friends Of Oakland Parks & Recreation For Installation Of 16 Benches And Purchase Of Lumber For Raised-Bed Planter Boxes And Tree Boxes In Front Of The Child Development Center At The Lakeview Elementary School
[07-1517](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
[View Report.pdf](#)
- S-4-11 Subject: Barbara Rodgers - Recognition
From: Council President De La Fuente
Recommendation: Adopt A Resolution Honoring Barbara Rodgers On Her Retirement From CBS 5 (KPIX-TV) After Almost 30 Years Of Broadcast Service
[07-1519](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
The following individual spoke on this item:
- Sanjiv Handa
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- S-4-12 Subject: Priority Project Funds - District Five
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De La Fuente's Priority Project Funds To The Sankofa Holistic Healing Institute In The Amount Of \$1,500 For Their Summer Ceramics Class
[07-1520](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
[View Report.pdf](#)
- S-4-13 Subject: Attitudinal Healing Connection, Inc - Amended Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Amendment To The Agreement Between The City Of Oakland And Attitudinal Healing Connection, Inc. For An Amount Not To Exceed \$50,000 For A Total Amount Not To Exceed \$210,750, To Provide Restorative Justice Training And Coordination At Eight Middle Schools In Accordance With Measure Y For The Period Of July 1, 2008 To June 30, 2009
[07-1513](#)
Scheduled to *Public Safety Committee on 7/8/2008
[View Report.pdf](#)
- S-4-14 Subject: Sports4kids - Agreement
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Agreement Between The City Of Oakland And Sports4kids To Provide Violence Prevention Services For A Total Amount Not To Exceed \$94,245 The Period Of July 1, 2008 To June 30, 2009
[07-1516](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
[View Report.pdf](#)
- S-4-15 Subject: Union Pacific Foundation Presentation
From: Department of Human Services
Recommendation: Receive The Presentation Of A Check From Union Pacific Foundation, A Grant Award To Augment The Community Cleanup Corps (CCC) Pilot Program And To Amend The Current Agreement With Goodwill Industries, Inc. To Add \$15,000 For A Total Contract Amount Of \$65,000
[07-1521](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/15/2008
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S-4-16 Subject: Traffic Signal - Mountain Boulevard At La Salle Avenue
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The July 8, 2008 Community and Economic Development Committee Agenda Receive A Follow Up Report Concerning The Proposed Traffic Signal At The Intersection of Mountain Boulevard At LaSalle Avenue In The Montclair District; And To Reschedule To The July 22, 2008 Community And Economic Development Committee Agenda
[07-1448](#)

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

The following individual spoke on this item:

- Sanjiv Handa

S-4-17 Subject: Clear Channel Outdoor - Billboard Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Billboard Relocation Agreement With Clear Channel Outdoor, Inc. ("CCO") Allowing CCO To Remove And Waive Its Rights To Compensation, Including All Real Property And Personal Property Interests, For A Number Of Billboards At Various Locations In Exchange For: (A) Construction Of A New Billboard On East Bay Municipal Utility District (EBMUD) Land East Of The Bay Bridge Toll Plaza; And (B) Reconstruction Of An Existing Billboard On EBMUD Land East Of The Bay Bridge Toll Plaza
[07-1501](#)

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

S-4-18 Subject: Encroachment Permit - 1199 Pine Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting PCL Associates LLC A Revocable And Conditional Permit To Allow Portions Of Residential Units In A New Building At 1199 Pine Street To Encroach Over The Public Sidewalk
[07-1503](#)

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

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S-4-19 Subject: Lake Merritt And 12th Street Separation Structure Funding
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate \$15,110,000.00 Of Highway Bridge Program (HBP) Funding Including Up To \$13,376,883.00 In Federal Highway Administration (FHWA) Funds And Up To \$1,733,177.00 In State Proposition 1B Local Match Funds To Replace The 12th Street Eastern And Western Grade Separation Structures At Lake Merritt
[07-1504](#)

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

S-4-20 Subject: Oak Center Redevelopment Plan - Parcel 6
From: Community and Economic Development Committee Agenda
Recommendation: 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
[07-1505](#)

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

S-4-21 Subject: 16th Street Train Station
From: Community and Economic Development Agency
Recommendation: Action On A Report On The Status Of The Rehabilitation And Reuse Of The Historic 16th Street Train Station In West Oakland; And Adopt The Following Pieces of Legislation:

1) A Resolution Approving The Formation Of The Train Station Entity To Serve As The Owner / Operator Of The 16th Street Train Station; And
[07-1506](#)

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

2) An Agency Resolution Authorizing A Predevelopment Loan With Deferred Repayment To The Train Station Entity In An Amount Not To Exceed \$300,000
[07-1506-1](#)

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

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S-4-22 Subject: Ventures, LLC Loan - 1396 5th Street
From: Community and Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A Secured Loan In An Amount Not To Exceed \$3,120,000 For Twelve Months To 1396 Ventures, LLC For The Purchase Of 1396 Fifth Street
[07-1507](#)

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

S-4-23 Subject: Rent Adjustment Program Annual Report
From: Community and Economic Development Agency
Recommendation: Receive An Annual Report Of The Rent Adjustment Program For Fiscal Year 2007-2008; On The September 23, 2008 Community And Economic Development Committee Agenda
[07-1508](#)

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

S-4-24 Subject: Extension Of Recycling Facility Moratorium
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance For The Extension Through December 16, 2008 Of Ordinance No. 12873 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing, A Temporary Moratorium On The Establishment Or Expansion Of An Activity Or Facility That Involves Primary Recycling And Intermediate Processing Facilities, To Take Effect Immediately Upon Adoption
[07-1518](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/16/2008
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S-4-25 Subject: RMT Landscape Contractors, Inc. - Contract
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing A Negotiated One (1) Year Contract With RMT Landscape Contractors, Inc. With The Option For Two (2) One-Year Extensions To Maintain Landscaping On The Mandela Parkway In Accord With The City's Specifications In A Not-To-Exceed Amount Of \$117,000.00 Each Year For A Total Amount Not-To-Exceed \$350,000.00 Over Three Years
[07-1514](#)

Scheduled to *Finance & Management Committee on 7/8/2008

S-4-26 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](#)

Scheduled to *Rules & Legislation Committee on 7/10/2008

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S-4-27 Subject: Police And Fire Retirement System Ballot Measure
From: Finance and Management Agency
Recommendation: Adopt A Resolution Submitting On The City Council's Own Motion, A Proposed Charter Amendment, Entitled, "Measure Extending The City Of Oakland's Deadline To Fund Retirement Benefits For All Members Of The Police And Fire Retirement System And Their Beneficiaries Beyond July 1, 2026 " 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; On The July 15, 2008 City Council Agenda
[07-1484](#)

***Withdrawn with No New Date**

DRAFT

S-4-28 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](#)

Scheduled to *Rules & Legislation Committee on 7/10/2008

This item will also be noticed on the July 15, 2008 City Council agenda

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ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Whistleblower Protection
From: Council President De La Fuente And City Auditor Ruby
Recommendation: Adopt An Ordinance Prohibiting Retaliation Against Employees Who Act As Whistleblowers

[07-1021](#)

Scheduled to *Finance & Management Committee on 7/8/2008

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Subject: Consent To Search Report
From: Councilmembers Brooks and Kernighan
Recommendation: Action On A Report And Recommendation From The Office Of Chief Of Police On The Development Of A Consent To Search Program For The City Of Oakland, Which Is A Gun Control Strategy Used In Other Cities Across The Country To Locate Guns That May Be In Possession Of Juveniles, And May Have Been Used In The Commission Of Crimes In The City

[07-1080-4](#)

***Withdrawn with No New Date**

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Subject: Urban Strategies Council Grant
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing A Grant Of \$10,000.00 From Councilmember Desley Brooks' Pay Go Funds To Urban Strategies Council To Facilitate A Community Mapping Project

[07-1522](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/15/2008**

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Subject: Measure Y Oversight Committee - Appointment
From: Councilmember Brunner
Recommendation: Adopt A Resolution Appointing Joanne Brown As A Member Of The Violence Prevention And Public Safety Oversight Committee
[07-1526](#)

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

Subject: Priority Project Funds - District 7
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Authorizing An Immediate Grant Of \$1,672.65 From Vice Mayor Larry E. Reid's Priority Project Funds To The Black Cowboys Association For Police Security Services For The Black Cowboy Parade
[07-1527](#)

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

FROM THE JULY 22, 2008 PUBLIC SAFETY COMMITTEE AGENDA

Subject: Project Exile - Feasibility Report
From: Vice Mayor Larry Reid
Recommendation: Receive An Informational Report Presenting The Feasibility Of Executing Project Exile In Oakland, Including A Description Of The Program, The Success And Failures Of The Previous Implementation In Oakland, The Affect On Overtime, Whether OPD Is Adequately Staffed To Dedicate Staff To The Program, Whether The Necessary Federal Agencies Can Provide The Required Assistance, And Any And All Costs Associated With The Implementation Of The Program; On The June 24, 2008 Public Safety Committee Agenda
[07-1337](#)

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

- 5 A review of the Council Committees' actions from June 24, 1008 and determination of scheduling to the ORA/City Council meeting of July 1, 2008 or future dates (MATRIX)
**A motion was made by Member Chang, seconded by Vice Mayor Reid, 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

[06-26 Rules Item 5](#)
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6 A review of the Agendas for the Council Committees for the meeting(s) of July 8, 2008 and the Rules and Legislation Committee for the meeting of July 10, 2008

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

The July 8, 2008 committee meeting times were changed as follows: Public Works will begin at 9:30 AM; Finance & Management will begin at 12:00 PM; Community & Economic Development will begin at 3:00 PM; and Public Safety will begin at 6:30 PM

The following individual spoke on this item:

- Sanjiv Handa

[06-26 Rules Item 6](#)

[View Report.pdf](#)

FROM THE PUBLIC SAFETY COMMITTEE AGENDA

Subject: Metropolitan Medical Response System

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept A Two Hundred Eighty Five Thousand One Hundred Forty-Five Dollar (\$285,145), Metropolitan Medical Response System (MMRS) Grant From The Governors Office Of Homeland Security To Fund Planning And Equipment For The City Of Oakland's Fire Department For The Continued Support Of The MMRS Program

[07-1298](#)

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

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 11:35 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.

City Clerk and Clerk of the Council