



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, March 25, 2010

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules And Legislation Committee convened at 10:49 AM, with Councilmember Reid presiding as Chairperson.

1 Closed Session

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2 Approval of the Draft Minutes from the Committee meeting of March 18, 2010

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

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

3 Determination of Schedule of Outstanding Committee Items

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A motion was made by Member Quan, 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

4 Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting April 20, 2010

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The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[RULES032510item4](#)

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[4-28-05 Rules Matrix
Item 5.pdf](#)

S-4-1 Subject: Homeland Security Grant Program
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator To
 Accept And Appropriate Fifty Thousand Dollars (\$50,000) For Federal Fiscal Year
 2009 Community Emergency Response Team (CERT) Grant From State Of
 California Homeland Security Grant Program To The City Of Oakland, Office Of
 Emergency Services (OES), Communities Of Oakland Respond To Emergencies
 (CORE) Program
[09-1315](#)
Scheduled to *Public Safety Committee on 5/11/2010

S-4-2 Subject: The Mass Care And Shelter Plan - NIMS/SEMS
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution Authorizing Adoption Of The Mass Care
 And Shelter Plan Functional Needs Annex To Be Added To The City Of Oakland's
 NIMS/SEMS Emergency Plan, To Prepare For And Provide Emergency Services
 To People With Disabilities As Part Of The Settlement Agreement In The Case Of
 California Foundation For Independent Living Centers, Et Al. V. City Of Oakland
 Et Al., U.S. District Court Action No. C 07-04608 EDL; On The May 11, 2010
 City Council Agenda
[09-1321](#)
Scheduled to *Public Safety Committee on 5/11/2010

S-4-3 Subject: OPD Overtime Costs - Reimbursement Funds
 From: Oakland Police Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator, Or
 His Designee To Accept And Appropriate Reimbursement Funds In An Amount
 Not-To-Exceed Fifty-Five Thousand Dollars (\$55,000) In Federal Funds From The
 Department Of Justice, United States Drug Enforcement Administration (USDEA)
 To The Oakland Police Department (OPD) In Overtime Costs For (1) Lieutenant,
 (1) Sergeant, And (8) Police Officers, And Rental Vehicle Expenses For The
 Period Of March 18, 2010, Through December 31, 2010 For Work Associated
 With The USDEA San Francisco Metro Task Force (DEA Task Force) For A
 Narcotics Investigation
[09-1319](#)
Scheduled to *Public Safety Committee on 4/27/2010
[View Report.pdf](#)

- S-4-4 Subject: Environmental Monitoring Costs At Spunkmeyer Field
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Settlement Agreement In The Amount Of \$36,900, With The Port Of Oakland To Cover A Portion Of The Environmental Monitoring Costs At Spunkmeyer Field
[09-1326](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 4/20/2010
[View Report.pdf](#)
[View Report.pdf](#)
- S-4-5 Subject California Democracy Act
From: Council President Brunner
Recommendation: Adopt A Resolution In Support Of The California Democracy Act, An Initiative For The November 2010 Ballot, That Would Require All State Legislative Action On Revenue And Budget Be Passed By A Majority Vote
[09-1310](#)
[Play Video](#)
Scheduled to *Rules & Legislation Committee on 4/15/2010
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[View Report.pdf](#)
[View Report.pdf](#)
[View Supplemental Report.pdf](#)
- S-4-6 Subject: 17th Annual Bike to Work Day
From: Council President Brunner
Recommendation: Adopt A Resolution Proclaiming Thursday, May 13, 2010, As The City Of Oakland's 17th Annual Bike To Work Day, And May 2010 As City Of Oakland Bike Month
[09-1311](#)
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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/4/2010
[View Report.pdf](#)
- S-4-7 Subject: United Methodist Church's 114th Anniversary Celebration
From: Council President Brunner
Recommendation: Adopt A Resolution Recognizing And Commending Shattuck Avenue United Methodist Church On Its 114th Anniversary
[09-1312](#)
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Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 4/20/2010
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[82655 CMS.pdf](#)

S-4-8 Subject: Youth Advisory Commission - District 6 Appointment
From: Councilmember Brooks
Recommendation: Adopt A Resolution Appointing Olivia Lucas As The District 6
Representative To The Youth Advisory Commission
[09-1322](#)

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**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 4/20/2010**

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S-4-9 Subject: Senate Bill 1304
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Supporting Senate Bill 1304: The Michelle
Maykin Memorial Donation Protection Act
[09-1323](#)

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Scheduled to *Rules & Legislation Committee on 4/15/2010

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S-4-10 Subject: Budget Advisory Committee Appointment
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Authorizing Appointing Michael Kilian As
A Member Of The Budget Advisory Committee
[09-1324](#)

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**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 4/20/2010**

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S-4-11 Subject: Changes To The Limit On Contributions - Amendments
From: Councilmember De La Fuente
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Sections 3.12.050, 3.12.060, And 3.12.200)To: (1) Change The Limit For Individual Contributions From \$700 For Each Of The Elections - The Primary And The General - To \$1,000.00 For The Consolidated Ranked-Choice Election; (2) Change The Limit For Broad Based Political Committees Contributions From \$1,300 For Each Of The Elections - The Primary And The General - To \$1,600 For The Consolidated Ranked-Choice Election; And (3) Change The Voluntary Expenditure Ceilings For Candidates For City Offices From The Current Limits For Each Of The Elections - The Primary And The General - To 40% More Than Those Limits For The Consolidated Ranked Choice Election
[09-1325](#)

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S-4-12 Subject: Medical Cannabis - Business Permits
From: Councilmember Kaplan And Reid
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Section 5.80 To Increase The Number Of Permitted Dispensaries And Inculde Permitting A Limited Number Of Medical Cannabis Grows As A Business Permit Through The City Administrators Office; On The May 11, 2010 Public Safety Committee Agenda
[09-1328](#)

Scheduled to *Public Safety Committee on 5/11/2010

S-4-13 Subject: Early Retirement Incentive Program
From: Department Of Human Resources Management
Recommendation: Receive A Quarterly Informational Report On (1) The Current Number Of Authorized Vacancies Citywide, Including (2) Status Update On The Employees Who Retired Under The CalPERS Two Years Additional Service Credit Retirement Incentive Program ("Golden Handshake") And (3) Projected Savings From The Golden Handshake Program
[09-1258](#)

Scheduled to *Finance & Management Committee on 4/13/2010

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S-4-14 Subject: Major Conditional Use Permit - 6400 Shattuck Avenue
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing To Consider A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity And Adopting One Of The Following Two Alternative Resolutions:

1) A Resolution Denying The Appeal (A09-220), Thereby Upholding The Planning Commission Decision To Approve A Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity; Or Alternatively,
[09-1133](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/4/2010
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2) A Resolution Upholding And Approving The Appeal (Case No. A09-220), Thereby Reversing The Planning Commission Decision And Denying The Major Conditional Use Permit And Variance At 6400 Shattuck Avenue For Alcoholic Beverage Sales Commercial Activity
[09-1133-1](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/4/2010

S-4-15 Subject: Coliseum Redevelopment Project Area
From: Community And Economic Development Agency
Recommendation: A Request To Re-Title, Withdraw And Reschedule An Item
On The April 13, 2010 Community And Economic Development Committee
Agenda

NEW TITLE: A Report And 1) An Agency Resolution Allocating Funding In An Amount Not To Exceed \$180,000 Under The Coliseum Neighborhood Project Initiative Program (NPI) For Various Improvement Projects, And Authorizing A Contribution Of \$74,000 In Such Funds To The City Under The Cooperation Agreement For Two City-Sponsored Park Projects; And 2) A City Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$74,000 For Two City-Sponsored Park Projects Under The Coliseum Neighborhood Project Initiative Program (NPI)

OLD TITLE: City And Agency Resolutions Allocating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed One Hundred And Eighty Thousand Dollars (\$180,000) From Fiscal Year 2009-2010 For Certain Public Improvements Within The Coliseum Redevelopment Project Area Under The Neighborhood Project Initiative Program; On The April 27, 2010 Community And Economic Development Committee Agenda

Reason: More detailed research and further authorization from Public Works Agency, and Department of Contracting and Purchasing are necessary prior to recommending these NPI Projects.

[09-1219](#)

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Withdrawn and Rescheduled to *Community & Economic Development Committee on 4/27/2010

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S-4-16 Subject: Macarthur Bart Bicycle Access Improvement Project - Phase II
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or His Designee, To Accept And Appropriate Two Hundred Forty-Two Thousand Five Hundred Dollars (\$242,500.00) In Regional Measure 2 Safe Routes To Transit Funds For The Macarthur Bart Bicycle Access Project - Phase II And Authorizing The Submittal Of The Allocation Request To The Metropolitan Transportation Commission For The Funds Awarded Under This Grant; And

[09-1316](#)

Scheduled to *Public Works Committee on 4/13/2010

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2) Resolution Authorizing The Installation Of Class H Bicycle Lanes On West Macarthur Boulevard By Reducing Travel Lanes From Six (6) Through Lanes To Four (4) Through Lanes Between Telegraph Avenue And Broadway

[09-1316-1](#)

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Scheduled to *Public Works Committee on 4/13/2010

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S-4-17

Subject: 17th Street Gateway Project

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Dan Corson In An Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000) For Public Art Design Fabrication And Installation Services For The BART 17th Street Gateway Project

[09-1317](#)

Scheduled to *Finance & Management Committee on 4/13/2010

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S-4-18

Subject: 2010 Public Art Projects Plan

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution To Adopt The 2010 Public Art Projects Plan

[09-1318](#)

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Scheduled to *Life Enrichment Committee on 4/13/2010

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S-4-19

Subject: 2009-2011 Biennial Budget

From: Public Works Agency

Recommendation: Adopt A Resolution Amending the City of Oakland's Fiscal Year 2009-2011 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 82102 C.M.S. To Eliminate One Position In The Parking Enforcement Program, One Position In The Right of Way Management Program, And Transfer One Position In The Street And Sidewalk And Maintenance Program To The Sewer Service Fund From The Local Highway Users Tax Act (State Gas Tax) Due To A Projected Decrease In Revenues Totaling \$389,000 Effective July 1, 2010

[09-1313](#)

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Scheduled to *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 4/1/2010

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S-4-20 Subject: Northern California Regional Intelligence
 From: Oakland Fire Department
 Recommendation: Adopt The Following Pieces Of Legislation:

1) Enter Into A Professional Services Agreement With The County Of San Mateo For Personnel Services That The City Of Oakland Will Provide In Connection With The Northern California Regional Intelligence Center (NCRIC) And The Fiscal Year 2009 And Fiscal Year 2010 Urban Areas Security Initiative Grant (UASI) Allocations; And

2) Accept, Appropriate And Administer The UASI Grant Allocation Of \$220,922 For The Federal Fiscal Year 2009 For Reimbursement Of Salaries And Benefits Paid To The Oakland Police Department For Staff That Is Assigned As A Liaison Officer Per The NCRIC Agreement; And

3) Accept, Appropriate And Administer UASI Grant Allocations Of \$220,922 For The Federal Fiscal Year 2010 For Reimbursement Of Salaries And Benefits Paid To Oakland Police Department For Staff That Is Assigned As A Liaison Officer Per The NCRIC Agreement

[09-1314](#)

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Scheduled to *Public Safety Committee on 5/11/2010

S-4-21 Subject: Contract Extension With Macias Gini & O'Connell-Audit Services
 From: Finance And Management Agency
 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution By The City Council Of The City Of Oakland Authorizing The City Administrator To Execute A Five-Year Contract Extension With Macias Gini & O'Connell, LLP To Provide Audit Services For Fiscal Year Ending June 30, 2010 Through Fiscal Year Ending June 30, 2014 In An Amount Not To Exceed \$3,162,486 And Waiving The Competitive Request For Proposals Process; And

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Scheduled to *Finance & Management Committee on 4/13/2010

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Additional request submitted on the dias

5 A review of the Council Committees' actions from March 23, 2010 and determination of scheduling to the ORA/City Council meeting of April 20, 2010 (MATRIX)

***Approve as Submitted**

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[RULES032510item5](#)

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6 A review of the Agendas for the Council meeting of April 6, 2010 and the Rules and Legislation Committee meeting of April 8, 2010

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A motion was made by Member Quan, 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

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

[rules032510](#)

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7 Subject: Seismic Safety Improvement - AB 1755
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Supporting Assembly Bill 1755 (Swanson): Adding Seismic Retrofitting Improvements To The List Of Eligible Uses For Contractual Assessments 09-1274

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A motion was made by Member Quan, seconded by Member Reid, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency/ City Council, due back on April 20, 2010. The motion carried by the following vote:

Roll Call: Excused: Chair Brunner

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

Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

- Dave Room

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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Adjournment

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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