



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, February 07, 2008

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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

The Oakland City Council Rules and Legislation Committee convened at 10:59 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

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

Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

The office of the City Attorney scheduled a Closed Session for Tuesday, February 19, 2008 from 12:30 to 3 PM

2 **Approval of the Draft Minutes from the Committee meeting of January 24, 2008**

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

Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

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

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

Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

[02-07 Rules Item 3](#)

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- 4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of February 12, 2008 - Cancellation Notices (SUPPLEMENTAL)
A motion was made by Vice Mayor Chang, seconded by Member Brunner, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - Member Reid
Aye; 3 - Vice Mayor Chang, Member Brunner and Chair De La Fuente

- S-4-1 Subject: Commissions On Persons With Disabilities Report
From: Office of the City Administrator
Recommendation: Receive The Mayor's Commission On Persons With Disabilities Annual Report For Calendar Year 2007; On The March 11, 2008 Life Enrichment Committee Agenda
[07-1022](#)

Scheduled to *Life Enrichment Committee on 3/11/2008

- S-4-2 Subject: League Of California Cities - Amicus Brief
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To File An Amicus (Friend Of The Court) Brief On Behalf Of The League Of California Cities Regarding Importance Of Laws Prohibiting Class Actions To Seek Refunds Of Certain Taxes And Fees
[07-1016](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/19/2008

The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
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- S-4-3 Subject: Renaming A Portion Of Rusdale Street To Dr. Herbert Guice Street
From: Councilmember Larry Reid
Recommendation: A Request To Withdraw From The February 26, 2008 Public Works Committee Agenda Adopt A Resolution Commemorating Reverend Dr. Herbert Guice And Renaming Rudsdale Street Between 69th Avenue And 73rd Avenue In His Honor; And Reschedule To The March 11, 2008 Public Works Committee Agenda

Reason: To allow more time for complete Committee consideration of City street re-naming policies
[07-0823](#)

Scheduled to *Public Works Committee on 3/11/2008

DRAFT

S-4-4 Subject: Renaming A Portion Of Coliseum Way To Joe Morgan Way
From: Councilmembers Larry Reid And Ignacio De La Fuente
Recommendation: A Request To Withdraw From The February 26, 2008 Public Works Committee Agenda Adopt A Resolution Commemorating Joe Morgan And Renaming South Coliseum Way Between 66th Avenue And Hegenberger Road In His Honor; And Reschedule To The March 11, 2008 Public Works Committee Agenda

Reason: To allow more time for complete Committee consideration of City street re-naming policies

[07-0856](#)

Scheduled to *Public Works Committee on 3/11/2008

S-4-5 Subject: Protection & Advocacy, Inc. - Recognition
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Commending Protection & Advocacy, Inc. On Its 30th Anniversary Of Providing Services To People With Disabilities And On The Organization's Change Of Name To Disability Rights California; On The March 4, 2008 City Council Agenda

[07-1015](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008

S-4-6 Subject: Travel Authorization - Councilmember Quan
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Authorizing Councilmember Jean Quan To Travel To Washington D.C. To Attend The National League Of Cities Congressional City Conference, March 8-12, 2008

[07-1020](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 2/19/2008

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S-4-7 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 2/26/2008

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

- Sanjiv Handa

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S-4-8 Subject: Tobacco Oriented Activities - Municipal Code Amendment
From: Councilmember Larry Reid
Recommendation: Adopt An Ordinance Amending Chapter 17.09 Definitions And Chapter 17.134 Conditional Use Permit Procedure To Change The Definition Of Tobacco Oriented Activities To Include All Activities Occupying Less Than 10,000 Square Feet That Sell Any Amount Of Tobacco Or Tobacco Related Products And To Require A Major Use Permit To Establish Any New Tobacco Oriented Activity; On The March 18, 2008 City Council Agenda
[07-1028](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/18/2008

S-4-9 Subject: Approved License Program - Sale Of Tobacco
From: Councilmember Larry Reid
Recommendation: Adopt An Ordinance For An Approved License Program For The Establishment Or Expansion Of Activities Devoted To The Sale Of Tobacco And Tobacco Related Paraphernalia; On The March 18, 2008 City Council Agenda
[07-1029](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/18/2008

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

S-4-10 Subject: Tobacco Shop Moratorium - Extension
From: Councilmember Larry Reid
Recommendation: Adopt An Extension On A Previously Adopted Moratorium, Pursuant To California Government Code Section 65858, Extending Until April 1, 2008 On The Establishment Of Any New Activity Or Facility Selling Tobacco Or Tobacco Related Products Or Paraphernalia; On The March 18, 2008 City Council Agenda
[07-1031](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/18/2008

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S-4-11 Subject: Lagan Company - Contract
From: Department of Information Technology
Recommendation: Adopt A Resolution (1) Waiving The Competitive Bidding And
(2) The Competitive RFP/RFQ Selection Requirements Of The Oakland Purchasing
Ordinance And Authorizing The City Administrator To Award A Contract To Lagan
Company For A Citizen Relationship Management (CRM) Services Information
Technology System In An Amount Not To Exceed \$150,000.00 For Software,
Hardware, And Installation Costs And A Two-Year Maintenance Agreement In An
Amount Not To Exceed \$30,000 Per Year For A Total Contract Not To Exceed Two
Hundred And Ten Thousand Dollars (\$210,000.00)
[07-1023](#)
Scheduled to *Finance & Management Committee on 2/26/2008
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S-4-12 Subject: Department Of Information Technology - Status Report
From: Information Technology
Recommendation: Receive A Status Report From The Department Of Information
Technology On The Programs And Projects
[07-1024](#)
Scheduled to *Finance & Management Committee on 2/26/2008
The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

S-4-13 Subject: Oakland Business Development Corporation - Agreement
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The February 26, 2008
Community And Economic Development Committee Agenda Adopt A Resolution
Authorizing The City Administrator To Increase The Amount Of The Agreement
With Oakland Business Development Corporation (OBDC) Small Business Finance
In An Amount Not To Exceed \$285,800 Per Fiscal Year For The Period 2007-2009,
For A Total Contract Amount For Each Fiscal Year Of \$558,550 For Commercial
Loan Underwriting And Servicing; And Reschedule To The March 11, 2008
Community And Economic Development Committee Agenda
[07-0944](#)
**Scheduled to *Community & Economic Development Committee on
3/11/2008**

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S-4-14 Subject: 81st Avenue Library - Construction Contract
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The February 26, 2008 Public Works Committee Agenda Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Award A Construction Contract To BBI Construction For The 81st Avenue Library Project In Accord With Specification No. C274410 In The Amount Of Eight Million Ninety Thousand Nine Hundred Ninety-Three Dollars (\$8,090,993) And To Accept And Appropriate Four Hundred Ninety-Seven Thousand Sixty-Five Dollars (\$497,065) From The Oakland Unified School District For The 81st Avenue Library Project; With No New Scheduling Date

Reason: An electrical subcontractor, whose bid was used in four of the five bids received, cannot honor its bid. The 5th bidder's price exceeds the budget.

[07-0975](#)

***Withdrawn with No New Date**

S-4-15 Subject: Housing Program Grants
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Submittal Of Applications To The California Department Of Housing And Community Development For Funding Under The Transit Oriented Development Housing Program For The Coliseum BART Transit Village Project, The MacArthur Transit Village Project, And The West Oakland Transit Village Project, And Authorizing Acceptance And Appropriation Of Grant Funds From This Program And The Execution Of Standard Agreements And Any Related Documents Necessary, If Selected For Funding; And

[07-0998](#)

Scheduled to *Community & Economic Development Committee on 2/26/2008

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S-4-16 Subject: Sidewalk Repair Report
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Transfer \$300,000.00 Of Available Fiscal Year 2007-2008 Sidewalk Repair Funds in Project C269160 To A Project To Be Determined To Enforce The Repair of Private Sidewalk Damage; And

[07-1025](#)

Scheduled to *Public Works Committee on 3/11/2008

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The Roll Call was modified to note Councilmember Reid absent at 11:25 AM

2) A Resolution Authorizing Award Of A Construction Contract To AJW Construction For On-Call Citywide Sidewalk Repair Fiscal Year 2007-2008 Contract B - Council Districts 4, 5, 6, And 7 (Project C269160) In The Amount of Eight Hundred Forty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$849,975.00); On The March 11, 2008 Public Works Committee Agenda [07-1025-1](#)

Scheduled to *Public Works Committee on 3/11/2008

S-4-17 Subject: Transportation Planning Grants - 2008-2009
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution To Apply For, Accept And Appropriate Grant Funding From The California Department Of Transportation (CALTRANS) Transportation Planning Grants 2008-2009, In The Amount Of \$175,000 For Peralta Street Corridor West Oakland; In The Amount Of \$175,000 For 81st Avenue Corridor East Oakland; And In The Amount Of \$245,000 For An International Boulevard Transit Oriented Development Plan; On The March 11, 2008 Community And Economic Development Committee Agenda
[07-1026](#)

Scheduled to *Community & Economic Development Committee on 3/11/2008

S-4-18 Subject: Landscaping And Lighting Assessment District - Levy
From: Public Works Agency
Recommendation: Adopt A Resolution For The 1) Initiation Of And Intention To Levy The Landscaping And Lighting Assessment District Pursuant To Articles XIII C And D Of The California Constitution; 2) Accepting The Fiscal Year 2008-2009 Preliminary Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District; 3) Setting The Date For A Public Hearing; 4) Authorizing The Preparation And Mailing Of Notices And Ballots Seeking Property-Owner Approval Of A Proposed Rate Increase And Assessment Of Public Agencies; And 5) Executing A Contract With Francisco And Associates For An Amount Not To Exceed \$85,000 For Prop 218 Election Services; And 6) Authorizing The Expenditure Up To \$100,000 For Postage
[07-1030](#)

Scheduled to *Finance & Management Committee on 2/26/2008

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ADDITIONAL ITEM SUBMITTED ON THE DAIS

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Subject: Opposition To The Aerial Spray Program - Brown Apple Moth
From: Councilmembers Jane Brunner and Larry Reid
Recommendation: Adopt A Resolution Opposing The California Department Of Food And Agriculture Aerial Spray Program To Eradicate The Light Brown Apple Moth And Requesting Additional Information On The Possible Health Effects
[07-1032](#)

Scheduled to *Public Safety Committee on 2/26/2008

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[02-07 Rules Item 4](#)

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5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of February 19, 2008 and the Rules and Legislation Committee for the meeting of February 21, 2008

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

Votes: Excused; 1 - Member Reid

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

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

- Sanjiv Handa

[02-07 Rules Item 5](#)

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S-6 Subject: Limited Public Financing
From: Public Ethics Commission
Recommendation: Action On Required Transmission Of Adopted Regulations Administering And Interpreting Chapter 3.13 Of The Oakland Municipal Code (AKA "The Limited Public Financing Act")
[07-0938](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 3/4/2008**

Votes:

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

- Sanjiv Handa

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) spoke under open forum:

- Sanjiv Handa

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Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:50 AM.

NOTE:

Americans With Disabilities Act

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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