



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, December 06, 2012

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Member Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:51 a.m., with Council President Reid presiding as Chairperson.

1 Determinations of Closed Session

A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

2 Approval of the Draft Minutes from the Committee meeting of November 22, 2012

There were no minutes to approve.

3 Determination of Schedule of Outstanding Committee Items

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

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

4 Scheduling of Agenda Items and revisions to previously distributed 10 Day Agendas(SUPPLEMENTAL)

A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

S-4.1 Subject: Settlement - Ruth Ann Binder
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Ruth Ann Binder, In The Amount Of \$10,158.02, As A Result Of Property Damage Sustained Caused By A City Tree (Public Works Agency)
[12-0199](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)
[84139 CMS.pdf](#)

S-4.2 Subject: Conflict Of Interest Code Amendment
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23, 1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
[12-0202](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)
[View Supplemental Report.pdf](#)

S-4.3 Subject: Port Of Oakland Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving A Conflict Of Interest Code For Designated Employees And Consultants Of The Port Of Oakland
[12-0204](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)
[View Supplemental.pdf](#)
[84143 CMS.pdf](#)

S-4.4 Subject: Settlement - John Weston Osborn
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of John Weston Osborn V. City Of Oakland, Alameda County Superior Court Case No. RG11587945 In The Amount Of \$13,300.00 (Police Department)
[12-0205](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)
[84141 CMS.pdf](#)

S-4.5 Subject: Settlement - Paul Crum
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Paul Crum V. City Of Oakland, Alameda County Superior Court Case No. RG12622606 In The Amount Of \$15,000.00 As A Result Of Wrongful Termination (Office Of Public Works - OPW)
[12-0206](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)

[84142 CMS.pdf](#)

S-4.6 Subject: Settlement - Dan Kitamura
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Dan Kitamura, In The Amount Of \$40,533.61, As A Result Of Property Damage Sustained Caused By An Obstructed City Sewer Main. (Public Works Agency)
[12-0207](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)

[84140 CMS.pdf](#)

S-4.7 Subject: Settlement Agreement - Laube
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Chloe Ann Laube V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG11609016, In The Amount Of \$55,000.00 As A Result Of A Fall At The Redwood Heights Recreation Center On January 27, 2011 (Parks & Recreation)
[12-0211](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a Consent Item.

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[View Supplemental Report.pdf](#)

S-4.8 Subject: Report And Distribution Schedule
From: Office Of The City Clerk
Recommendation: Receive A Request To Review The 2013 Report And Distribution Schedule
[12-0126](#)

No Action Taken

At this time, a Special Meeting of the City Council was scheduled for Tuesday, January 8, 2013 at 10:20 a.m.

S-4.9 Subject: November 6, 2012 Election Results
 From: Office Of The City Clerk
 Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland
 General Municipal Election Held On Tuesday, November 6, 2012
 [12-0208](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

[View Report.pdf](#)
[View Supplemental Report.pdf](#)

S-4.10 Subject: Goldman Sachs Debarment Proceedings
 From: Council Member Brooks
 Recommendation: Consideration Of A Motion Directing The City Administrator To
 Determine Whether Sufficient Grounds Exist To Initiate Debarment Proceedings Pursuant To
 Oakland Municipal Code (OMC) Chapter 2.12 Against Goldman Sachs; On The January 22,
 2013 Finance And Management Committee
 [12-0212](#)

Continued to *Rules & Legislation Committee on 12/13/2012

At this time the motion was amended to include restoration of authority on debarment actions to the City Administrator as well as the City Council by amending the debarment ordinance of O.M.C. section 2.12 in order to determine whether debarment of Goldman Sachs can take place.

S-4.11 Subject: Owner Controlled Insurance Program
From: Council Member Brooks
Recommendation: Possible Action Directing The City Administrator To Convene A Revolving Owner Controlled Insurance Program (OCIP) Work Group From January 2013 Through March 2013. The Membership Of The Working Group Shall Include A Representative From The Following City Of Oakland Offices: Risk Management, Controller, Public Works, Community And Economic Development, City Attorney, And Purchasing. A Representative Of The Successor Agency And A Representative From The Port Of Oakland Should Also Be Included As Members. The Working Group Shall Be Tasked With Evaluating OCIP Programs From A Citywide Perspective; Researching Best Practices For OCIPS And To Provide Recommendations For Implementation Of A City Of Oakland OCIP Program. By March 2013 The Working Group Will Issue Recommendations On (a) General Policy, (b) Feasibility Analysis Bid/Request For Proposal (RFP) And Contract Language, (c) Insurance Program Design, (d) Safety And Loss Control, (e) Administration, (f) Claims Management And Adjudication, And (g) Funding Sources. City Administrator Shall Provide A Status Report At The First CED Committee Meeting In January 2013 To Include The Membership Roster And Schedule Of Meetings Of The OCIP Working Group
[12-0213](#)

A motion was made that this matter be Scheduled to the *Community & Economic Development Committee, to be heard at the January 15, 2013 meeting. The motion carried by the following vote:

Votes: No; 1 - Member Schaaf
Aye; 3 - Member Brooks, Member Reid and President Pro Tempore De La Fuente
And on the March 26, 2013 Community and Economic Development Committee

[View Report.pdf](#)
[View Supplemental Report.pdf](#)

S-4.12 Subject: Safeway Project Appeal
 From: Department Of Planning And Building
 Recommendation: A Request To Re-Title An Item Previously Scheduled To The December 18, 2012 City Council Agenda

OLD TITLE: A Resolution Denying The Appeals A12-146 & A12-148, Thus Upholding The Planning Commission's Approval Of Case Numbers CMDV09-107, TPM-09889, ER09-0006 And Certification Of The EIR For The College Avenue Safeway Project Located At 6310 College Avenue

NEW TITLE: A Resolution Denying The Appeals A12-146 & A12-148, And Approving The Major Conditional Use Permits, Design Review And Minor Variances For A Revised Project Based Upon An Agreement Between The Appellants And The Applicant That Includes A New Safeway Grocery Store Of No More Than 45,500 Square Feet And Retail Of No More Than 9,500 Square Feet Under Case Numbers CMDV 09-107, TPM-09889, ER09-0006 And Certification Of The EIR And Addendum For The College Avenue Safeway Project Located At 6310 College Avenue

[12-0085](#)

Continued to Meeting of the Oakland City Council on 12/18/2012

- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Report.pdf](#)
- [View Supplemental Report.pdf](#)
- [View Supplemental Report.pdf](#)
- [84159 CMS.pdf](#)

S-4.13 Subject: Honoring Ron Snyder
 From: Council President Reid
 Recommendation: Adopt A Resolution Honoring Ron Snyder For Almost 40 Years Of Exemplary Dedication And Outstanding Community Service
[12-0209](#)

Scheduled to Meeting of the Oakland City Council on 12/18/2012

As a ceremonial item.

- [View Report.pdf](#)
- [84134 CMS.pdf](#)

6 A review of the Draft Agendas for the December 18, 2012 Meeting of the Oakland City Council and the December 20, 2012 Rules and Legislation Committee

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

Votes: Aye; 4 - Member Schaaf, Member Brooks, Member Reid and President Pro Tempore De La Fuente

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:18 p.m.

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.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-3226

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

[TTD](#)

*

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