



City of Oakland Meeting Agenda

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, September 18, 2008

10:30 AM

City Council Chambers - 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

Jane Brunner, District 1; Vice Mayor Larry Reid, District 7; Henry Chang, At-Large; and Chairperson Ignacio De La Fuente, District 5

- 1 Closed Session
- 2 Approval of the Draft Minutes from the Committee meetings of July 10, 2008 and July 17, 2008
- 3 Determination of Schedule of Outstanding Committee Items
[\(09-18 RULES Pend\)](#)
- 4 Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meetings of September 23, 2008 (SUPPLEMENTAL)

- S-4-1 Subject: Neighborhood Enhancement Team Report
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Chief Of Police On The Status And Work Product Of The Neighborhood Enhancement Team; On The October 14, 2008 Public Safety Committee Agenda
[\(07-1646\)](#)
- S-4-2 Subject: Child Abuse Center Donation
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee To Donate Funds On Behalf Of The City Of Oakland, In An Amount Not To Exceed Twenty-Five Thousand Dollars (\$25,000) To The Child Abuse Listening, Interviewing, And Coordination Center (CALICO), On Behalf Of The Oakland Police Department; On The October 14, 2008 Public Safety Committee Agenda
[\(07-1647\)](#)
- S-4-3 Subject: 2009 Selective Traffic Enforcement Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Amending Resolution No. 81223 C.M.S., Which Authorizes The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Ninety-Eight Thousand Seventy Dollars (\$298,070) From The State Of California, Office Of Traffic Safety, To The Oakland Police Department For The Fiscal Year 2009 Implementation Of The Selective Traffic Enforcement Program (STEP) In The Police Department, To An Amount Not To Exceed Three Hundred Twenty Thousand And Seventy Dollars (\$320,070); On The October 28, 2008 Public Safety Committee Agenda
[\(07-1663\)](#)
- S-4-4 Subject: National Insurance Crime Bureau Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The National Insurance Crime Bureau For The Purpose Of Accepting A 2004 Chevy Tahoe For Use By The Police Department, At A Lease Price Of One Dollar (\$1.00); On The October 14, 2008 Public Safety Committee Agenda
[\(07-1665\)](#)

- S-4-5 Subject: 2008 Secure Our Schools Grant Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept And Appropriate Grant Funds In An Amount Not To Exceed One Million, Five Hundred Thousand Dollars (\$1,500,000.00) From The U.S. Department Of Justice, Community Oriented Policing Services (COPS) Program, For Implementation Of The 2008 Secure Our Schools Grant Program And Appropriate Said Funds To The Police Department; On The October 28, 2008 Public Safety Committee Agenda
[\(07-1670\)](#)
- S-4-6 Subject: Measure Z Committee Report
From: Office of the City Administrator
Recommendation: Receive The Annual Report For The Measure Z Community Oversight Committee For 2007; On The October 14, 2008 Public Safety Committee Agenda
[\(07-1664\)](#)
- S-4-7 Subject: City Attorney's Annual Report 2007-2008
From: Office of the City Attorney
Recommendation: Receive The City Attorney's Annual Report For 2007-2008; On The October 28, 2008 Finance And Management Committee Agenda
[\(07-1642\)](#)
- S-4-8 Subject: Proposed Council Meeting Schedule 2008
From: Office of the City Clerk
Recommendation: A Request From The Office Of The City Clerk To Review The Schedule Of Meetings For The Balance Of The 2008 Calendar Year
[\(07-1672\)](#)
- S-4-9 Subject: Police Parcel Tax - Pass-Through
From: Councilmember Kernighan
Recommendation: A Request To Withdraw From The September 23, 2008 Community and Economic Development Committee Agenda Adopt A Proposed Amendment To The Rental Ordinance To Permit A Pass-Through To Tenants Of One-Half Of The Police Parcel Tax; And Reschedule to The October 14, 2008 Community and Economic Development Committee Agenda

Reason: Staff Report Will Not Be Ready Before The Due Date For The September 23, 2008 meeting.
[\(07-1640\)](#)

- S-4-10 Subject: Status Report On The Crime Fighting Strategic Plan
From: Councilmember Jane Brunner
Recommendation: Receive A Follow-Up Report From The Chief Of Police On The Department's Crime Fighting Strategic Plan, Including The Department's Top Priorities, Strategies To Address The Priorities, The Proposed Timeline For Implementation Of The Top Priorities And Strategies And The Process Used To Measure Effectiveness; On The October 7, 2008 City Council Agenda
[\(07-1643\)](#)
- S-4-11 Subject: Chris Johnson - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Chris Johnson For Twenty Years Of Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement; On The October 7, 2008 City Council Agenda
[\(07-1644\)](#)
- S-4-12 Subject: Waver Garrett - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Waver Garrett For Twenty Years Of Distinguished Service To The City Of Oakland And Congratulating Her On Her Retirement; On The October 7, 2008 City Council Agenda
[\(07-1645\)](#)
- S-4-13 Subject: Bananas Commendation
From: Councilmember Jane Brunner
Recommendation: Adopt A Resolution Recognizing And Commending Bananas For Thirty Five Years Of Service To Parents And Child Care Providers Of Oakland; On The October 7, 2008 City Council Agenda
[\(07-1648\)](#)
- S-4-14 Subject: Oakland Parents Literacy Project
From: Councilmember Henry Chang
Recommendation: Adopt A Resolution Authoring A Grant Of \$10,000.00 From Councilmember Henry Chang's Pay-Go Funds To Oakland Parents Literacy Project For Operating Expenses For Family Reading Night Program; On The October 7, 2008 City Council Agenda
[\(07-1649\)](#)
- S-4-15 Subject: Terry Keith Lewis - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Officer Terry Keith (T.K.) Lewis For His Thirty-One (31) Years Of Dedicated And Distinguished Service To The Oakland Police Department, The Oakland Community, And Congratulating Him On His Retirement; On The October 7, 2008 City Council Agenda

[\(07-1650\)](#)

S-4-16 Subject: Clear Channel Outdoor - Billboard Agreement
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Billboard Relocation Agreement With Clear Channel Outdoor, Inc. (CCO) Allowing CCO To Construct A New Billboard On Wattling Street At 38th Ave In Exchange For CCO: (1) Removing And Waiving Its Rights To Compensation, Including All Real Property And Personal Property Interests, For A Number Of Billboards At Various Locations In Oakland; And (2) Making A One-Time Contribution Of \$125,000 To The After School 6-9 PM Sports Program At Cesar Chavez Education Center; On The October 14, 2008 Community And Economic Development Committee Agenda

[\(07-1651\)](#)

S-4-17 Subject: City Span Technologies Agreement Amendment
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Amendment To The Agreement With City Span Technologies For Database Services In The Amount Not To Exceed \$90,000 From July 1, 2008 To June 30, 2009; On The October 28, 2008 Life Enrichment Committee Agenda

[\(07-1666\)](#)

S-4-18 Subject: Oakland Fund For Children And Youth - Final Evaluation
From: Department of Human Services
Recommendation: Adopt A Resolution Adopting The Oakland Fund For Children And Youth Final Evaluation Report For Fiscal Year 2007-2008; On The October 28, 2008 Life Enrichment Committee

[\(07-1667\)](#)

S-4-19 Subject: Oakland Army Base Temporary Winter Shelter
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement For The Period Of October 15, 2008 Through May 15, 2009 In An Amount Not To Exceed \$286,000 With Anka Behavioral Health, Inc. To Open And Operate The Oakland Army Base Temporary Winter Shelter (OABTWS); And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base From November 1, 2008 Through April 30, 2009; And (3) Accept And Appropriate \$125,000 From Alameda County, And \$61,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base; And (4) Allocate \$50,000 In Community Development Block Grant (CDBG) Funds For A Citywide Case Management Program; And (5) Waive The Competitive Process And Enter Into An Agreement With Lifelong Medical, Inc. For The Period Of September 1, 2008 Through August 30, 2009 In The Amount Of \$50,000 For The Citywide Case Management Program; On The October 14, 2008 Life Enrichment Committee Agenda

[\(07-1674\)](#)

S-4-20 Subject: Freeway Auto Mall Development
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The October 14, 2008 Community and Economic Development Committee Agenda Adopt The Following Pieces Of Legislation:
1) An Agency Resolution Authorizing The Agency Administrator To Negotiate And Execute A Disposition And Development Agreement With Legend Auto Group, LLC For: (1) The Sale Of Approximately 15 Acres Within The Former Oakland Army Base For \$17,470,000 For The Development Of General Motors, Nissan, And Chrysler-Jeep-Dodge Auto Dealerships; And (2) The Sale Of Up To An Additional 3.7 Acres For \$5,225,000 To Develop Additional Dealerships; And

[\(07-1280\)](#)

2) A City Resolution Approving The Sale Of Up To Approximately 19 Acres Of Real Property Located Within The Former Oakland Army Base For The Appraised Fair Market Value To Legend Auto Group, LLC For Its Development Of General Motors, Nissan, And Chrysler-Jeep-Dodge Auto Dealerships And Up To Two Additional Dealerships; With No New Date

Reason: The developer (Legend Auto Group) Has Indicated They Are Not Currently Able To Proceed With A DDA, Due To Several Issues. At The Same Time, There Have Been Evolving Discussions With Caltrans, Costco, Bay Area Kenworth, And Other Entities That May Impact The Agency's Preferred Strategy For The North Gateway.

[\(07-1280-1\)](#)

- S-4-21 Subject: Planning Commission Decision Appeal - 961 And 989 41st Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Denying The Appeal And Sustaining The Decision Of The Planning Commission Approving The Construction Of A New Residential Development Consisting Of 48 Residential Units Located At 961 And 989 41st Street (Case File Number(s) A07-367, CMDV07-260, And TPM 9554); As A Public Hearing On The October 21, 1008 City Council Agenda
[\(07-1652\)](#)
- S-4-22 Subject: Public Utility Easements At 930 66th Avenue
From: Community and Economic Development Agency
Recommendation: Adopt Resolutions Conditionally Vacating Public Utility Easements To Creekside Housing Partners LP, And Conditionally Accepting Dedications Of Public Utility Easements From Creekside Housing Partners LP At 930 66th Avenue For The Coliseum Gardens Affordable Housing Project; On The October 14, 2008 Public Works Committee Agenda
[\(07-1653\)](#)
- S-4-23 Subject: Public Sanitary Sewer Easement - 1189 Drury Road
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Conditionally Vacating A Public Sanitary Sewer Easement Serving 1189 Drury Road And 1195 Drury Road; On The October 14, 2008 Public Works Committee Agenda
[\(07-1654\)](#)
- S-4-24 Subject: Conditional And Revocable Permit - 1633 Harrison Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting The Oakland Housing Authority A Conditional And Revocable Permit To Allow Oriel Windows For A New Affordable Senior Housing Building At 1633 Harrison Street To Encroach Over The Public Sidewalk Along Harrison Street And 17th Street; On The October 14, 2008 Public Works Agenda
[\(07-1655\)](#)
- S-4-25 Subject: Revocable And Conditional Permits - 601 12th Street
From: Community and Economic Development Agency
Recommendation: Adopt Resolutions Granting Oakland T12 LLC Revocable And Conditional Permits For A New Building At 601 12th Street To Allow Shoring For A Basement Excavation To Encroach Under The Roadway Along 11th Street, 12th Street, Jefferson Street, and Martin Luther King Jr. Way, And An Electrical Transformer And Vault To Encroach Under The Sidewalk Along 12th Street; On The October 14, 2008 Public Works Committee Agenda
[\(07-1656\)](#)

- S-4-26 Subject: Bicycle And Pedestrian Safety Projects Priority List
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The City Of Oakland's Four-Year (Fiscal Year 2009-2010 Through Fiscal Year 2012-2013) Priority List Of Bicycle And Pedestrian Safety Projects For Funding From Measure B Bicycle And Pedestrian Pass-Thru Revenues (Fund 2212); On The October 14, 2008 Public Works Committee Agenda
[\(07-1657\)](#)
- S-4-27 Subject: Planning Code Amendments
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To Add Definitions, Update References To State Regulations, Clarify Language And Other Changes Including: Adding Extensive Impact Civic Activities As A Conditionally Permitted Activity To The C-45 And C-55 Zones; Adding Animal Care Commercial Activities As A Conditionally Permitted Activity To The C-36 Zone; Reducing The Amount Of Time That An Automotive Servicing Activity Or An Automotive Repair And Cleaning Activity May Be Discontinued Before It Loses Its Legal, Non-Conforming Status In The S-5 Broadway Retail Frontage Zone; Making Permanent An Emergency Ordinance That Creates Special Variance Findings And An Expedited Appeal Procedures For Signs; Clarifying That Uniformly Applied Development Standards/Standard Conditions Of Approval Are Automatically Imposed On All Applications; On The October 14, 2008 Community And Economic Development Committee Agenda; And As A Public Hearing On The October 21, 2008 City Council Agenda
[\(07-1658\)](#)
- S-4-28 Subject: Various Properties - Mills Act Contracts
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution To Approve Ten Mills Act Contracts Between The City Of Oakland And The Following Properties, 4629 Martin Luther King Jr. Way, 2375 Fruitvale Avenue, 1121-23 12th Street, 2302 17th Avenue, 3034-40 Richmond Boulevard, 2708 Sunset Avenue, 3070 Richmond Boulevard, 1034 10th Street, 2451 Havenscourt Boulevard, 609-11 22nd Street, Pursuant To Ordinance No. 12784 - (Two-Year Pilot Mills Act Program), To Provide These Owners With Property Tax Reductions In Exchange For Their Agreement To Repair And Maintain Their Historic Property In Accordance With Submitted Work Program; On The October 14, 2008 Community And Economic Development Committee Agenda; And As A Public Hearing On The October 21, 2008 City Council Agenda
[\(07-1659\)](#)

S-4-29 Subject: Commercial Tenant Improvement Grants - Various Locations
From: Community and Economic Development Agency
Recommendation: Adopt Resolution(s) To Approve Commercial Tenant Improvement Grants In Amounts Above That Allowed Within The Program Guidelines, To The Following: A) Dobake Bakeries At 810-81st Avenue In The Amount Of \$90,000 (Coliseum Redevelopment Area); B) Revolution Foods At 8383 Capwell Drive In The Amount Of \$90,000 (Coliseum Redevelopment Area); And C) PS Print At 2456 Mandela Parkway (West Oakland) In The Amount Of \$75,000; On The October 14, 2008 Community And Economic Development Committee Agenda
[\(07-1660\)](#)

S-4-30 Subject: Broadway/MacArthur/San Pablo Project Area - Public Improvements
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation

1) A Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$200,000 For Certain Public Improvements Within The Broadway/MacArthur/San Pablo Redevelopment Project Area Under The Neighborhood Project Initiative Program; And
[\(07-1661\)](#)

2) An Agency Resolution Authorizing A Contribution Of Agency Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$200,000 For Certain Public Improvements Within The Broadway/MacArthur/San Pablo Redevelopment Project Area Under The Neighborhood Project Initiative Program; On The October 14, 2008 Community And Economic Development Committee Agenda
[\(07-1661-1\)](#)

S-4-31 Subject: Economic Development Framework
From: Community and Economic Development Agency
Recommendation: Action On A Report And Recommendation To Approve An Economic Development Framework That Aligns Staff Activities, Consultants And Other Resources To Enhance Business Attraction, Retention, Expansion And Creation; On The October 14, 2008 Community And Economic Development Committee Agenda
[\(07-1662\)](#)

S-4-32 Subject: Housing And Urban Development Grants
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Apply For And Accept Funds From The Housing Recovery Act Of 2008 (H.R. 3221) From The U.S. Department Of Housing And Urban Development (HUD) And The State Of California; On The October 14, 2008 Community and Economic Development Committee Agenda

[\(07-1673\)](#)

S-4-33 Subject: Energy Saving Agreement - Five City Swimming Pools
From: Public Works Agency
Recommendation: Adopt A Resolution (1) Waiving Any Further Competitive Process And Authorizing The City Administrator Or Designee To Negotiate And Award A Professional And Construction Services Agreement In An Amount Not To Exceed \$256,000 To Implement Energy Savings Measures At The City's Five Swimming Pools, And (2) Accepting And Appropriating Energy-Related Rebates; On The October 14, 2008 Public Works Committee Agenda

[\(07-1632\)](#)

S-4-34 Subject: Surplus Fire Apparatus Donation
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Donate Three Overaged Surplus Aerial Ladder Trucks And One Overaged Surplus Fire Hose Wagon, With An Estimated Total Value Of One Thousand Two Hundred Dollars (\$1,200), To The Republic Of El Salvador Through The City Of Redwood City's Create A Smile Cross Cultural Exchange Program; On The October 14, 2008 Finance And Management Committee Agenda

[\(07-1669\)](#)

S-4-35 Subject: Special Budget Workshop
From: Office of the Mayor
Recommendation: A Request To Schedule A Budget Workshop To Review Fiscal Year 2007-2008 Year-End Financial Results And Fiscal Year 2008-2009 Budgetary Issues; On The September 30, 2008 Special City Council Agenda

[\(07-1641\)](#)

S-4-36 Subject: Budget Workshop
From: Office of the Mayor
Recommendation: A Request To Continue The Budget Workshop To Review Fiscal Year 2007-2008 Year-End Financial Results And Fiscal Year 2008-2009 Budgetary Issues, And Possible Recommended Actions; On The October 9, 2008 Special City Council Agenda

[\(07-1668\)](#)

[\(rules 09-18 item 4\)](#)

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of September 30, 2008 and the Rules and Legislation Committee meeting of October 2, 2008

[\(rules 09-18 item 5\)](#)

6 Subject: Alameda County Waste Management Authority Agreement
From: Public Works Agency
Recommendation: Adopt A Resolution Amending The Alameda County Waste

Management Authority Joint Powers Agreement Section 7.D "Vote Required" Of The Joint Exercise Of Powers Agreement For Waste Management, Maintaining The Two-Thirds Majority Vote For Actions Requiring Expenditures Of Five Hundred Thousand Dollars (\$500,000.00) Or More, And Allowing All Other Actions To Proceed Based On A Majority Of The Authorized Vote
[\(07-1598\)](#)

- 7 Subject: Measure WW - November 2008
From: Councilmember Henry Chang
Recommendation: Adopt A Resolution Endorsing East Bay Regional Park District's Proposed Extension Of 1988 Measure AA, The Regional Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) Which Will Be Placed On The November 4, 2008 Ballot In Alameda And Contra Costa Counties
[\(07-1620\)](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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.

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[\(TDD\)](#)

- * 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.

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item