



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, October 13, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

The Oakland City Council Rules and Legislation Committee convened at 10:56 a.m. with Council President Reid presiding as Chairperson.

COMMITTEE MEMBERSHIP:

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

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 September 29, 2011

A motion was made by Member Brooks, 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

3 Determination of Schedule of Outstanding Committee Items

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

[rules101311](#)

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4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of October 18, 2011 (SUPPLEMENTAL).

[rules101311item4](#)

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S-4.1 Subject: Justice Assistance Grant
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 Six Hundred And Seventy Four Thousand Five Hundred And Ninety Two Dollars (\$674,592) From The U.S. Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program For The Period Of July 1,2011 Through June 30, 2012 To Supplement Frontline Policing Services, And Appropriate Said Funds To The Police Department
[11-0087](#)

Scheduled to *Public Safety Committee on 11/8/2011

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S-4.2 Subject: Sole-Source Contract - Crossroads Software
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Waive The Advertising And Bidding Requirements And The Request For Proposal/Qualifications Process And 2) Award A Professional Service Contract To Crossroads Software, Inc. For The Online Dissemination Of Traffic Collision Reports For The Period December 1, 2011 Through December 31, 2014 With No More Than Two Discretionary One-Year Extensions
[11-0088](#)

Scheduled to *Public Safety Committee on 11/8/2011

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S-4.3 Subject: COPS Hiring Recovery 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 from the U.S. Department of Justice, Office of Community Oriented Policing Services (USDOJ/COPS) COPS Hiring Recovery Program (CHRP) To the Oakland Police Department to Fund the Hiring of Twenty-Four (24) Police Officers
[11-0089](#)

Scheduled to *Public Safety Committee on 11/8/2011

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S-4.4 Subject: DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Forty-Three Thousand Two Hundred And One Dollars (\$443,201.00) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2011 Forensic Casework DNA Backlog Reduction Grant Program In The Police Department For The Period October 1,2011 Through March 31,2013, And Approve The 3% Cap On Central Services Overhead Charges As Allowed By The Granting Agency, And 2) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Typing Supplies In The Amount Of \$25,200.00 From Applied Biosystems, In The Amount Of \$7,410.00 From Qiagen, And In The Amount Of \$5,800.00 From Promega
[11-0105](#)

Scheduled to *Public Safety Committee on 10/25/2011

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S-4.5 Subject: Review Of The November 2011 Meeting Schedule
From: Offices of the City Administrator and City Clerk
Recommendation: Review The Meeting Schedule For Council Committees And City Council For The Month Of November 2011.
[11-0078](#)

No Action Taken

S-4.6 Subject: Performance Based Budgeting Report
From: Councilmember De La Fuente
Recommendation: A Request To Withdraw An Item Previously Scheduled To The October 25, 2011 Finance And Management Committee Agenda With No New Date

Receive An Informational Report From The Budget Office Regarding "Performance Based Budgeting" Including How The City May Be Able To Save Money By Moving To Such A Model, Experiences Of Other Cities That Have Moved To A Performance Based Budgeting Model And Information Of What The Process Would Be To Move The City Towards A Performance Based Budgeting Model

Reason: Staff is requesting to reschedule the report as additional time is needed to meet with stakeholders and put together an actionable plan.

[10-0367](#)

Scheduled to *Finance & Management Committee on 11/8/2011

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S-4.7 Subject: Fire Chief Salary Adjustment
From: Department Of Human Resources Management
Recommendation: Adopt A Resolution In Conformance With The Requirements Of Ordinance No. 12918 C.M.S. To Authorize The City Administrator To Approve An Initial Salary For The Position Of Director, Fire Services Agency (Fire Chief) That Exceeds The Mid-Point, And Not To Exceed The Top Of The Salary Range Of \$211,382 Annually And Temporarily Adjusted To \$194,196 Annually To Reflect An 8.85% Reduction For Fiscal Year 2011-2012
[11-0096](#)

Scheduled to *Finance & Management Committee on 10/25/2011

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S-4.8 Subject: WIA Providers Performance Report And Funds Allocation
From: Community And Economic Development Agency
Recommendation: Receive A Report On The Performance Of Workforce Investment Service Providers For Program Year 2010-2011, And Adopt The Following Legislation:

1. A Resolution Adopting The Fiscal Year 2011-2012 Workforce Investment Budget, And Accepting And Appropriating Workforce Investment Act (WIA) Title I Funds For Adult, Dislocated Worker, And Youth Programs In The Amount Of \$4,908,908 And Special Grant Funds In The Amount Of \$1,517,462.00, For A Total Of \$6,426,370; And
[11-0083](#)

Continued to *Rules & Legislation Committee on 10/20/2011

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S-4.9 Subject: West Oakland Redevelopment Project Implementation Plan
From: Community And Economic Development Agency
Recommendation: Receive A Report On The Midterm Review Of The 2008-2013 Five-Year Implementation Plan For The West Oakland Redevelopment Project; And
1) Adopt A Resolution Authorizing A One-Year Extension Of The Project Area Committee For The West Oakland Redevelopment Project To November 18, 2012
[11-0084](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011

And as a Public Hearing on the November 15, 2011 City Council Agenda

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S-4.10 Subject: Professional Services Agreement - Kennedy And Associates
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The Agency Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000) For A Total Contract Amount Of Four Hundred Fifty Thousand Dollars (\$450,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project; And

2) A City Resolution Authorizing A Waiver Of The Advertising And Request For Proposal/Qualifications Process And A Request To Authorize The City Administrator To Negotiate And Execute An Amendment To The Professional Services Agreement With Kennedy And Associates To Increase The Contract By An Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000) For A Total Contract Amount Of Four Hundred Fifty Thousand Dollars (\$450,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project; On The November 8, 2011 Community And Economic Development Committee Agenda

[11-0085](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011

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[2011-0066 CMS.pdf](#)

S-4.11 Subject: Mills Act Contracts - Trestle Glen And 16th
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Approving Two (2) Mills Act Contracts Between The City Of Oakland And The Properties At 850 Trestle Glen Road (Estimated - \$1,885/ Property Tax Reduction), And 510 16th Street (Estimated - \$7,838/year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., 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 Programs

[11-0086](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011

And as a Public Hearing on the November 15, 2011 City Council Agenda

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S-4.12 Subject: Pulte Homes Contract Increase - Rainbow Teen Center
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 83165 C.M.S. To Authorize An Increase In The Contract With Pulte Homes For The Construction Of The Rainbow Teen Center By \$30,699 From \$121,000 To \$151,699 To Pay For Prevailing Wage Costs; To Appropriate Pro-Rated Onetime Funds For FY 2011-2012 In The Amount Of \$67,000; And Amending Resolution 83344 C.M.S. For The FY 2011 Annual Action Plan, Submitted To The U.S. Department Of Housing And Urban Development (HUD) Which Included The FY 2011 Community Development Block Grant (CDBG) Allocations, To Assign \$48,000 Of \$62,250 Earmarked For The Oakland Citizens Committee For Urban Renewal (Occur) To The Office Of Parks & Recreation In Order To Provide Funding For The Rainbow Teen Center, If Permissible Under CDBG Regulations, For Expenditures For Period July 1, 2011 - June 30, 2013
[11-0090](#)

Scheduled to *Public Works Committee on 11/8/2011

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S-4.13 Subject: Rockridge BID - Annual Assessment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2012/2013 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For December 6, 2011
[11-0091](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011

And as a Public Hearing on the December 6, 2011 City Council Agenda.

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S-4.14 Subject: Montclair BID - Annual Assessment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2012/2013 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A Public Hearing For December 6, 2011
[11-0092](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011

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S-4.15 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 2010-2011
[11-0094](#)

Scheduled to *Community & Economic Development Committee on 11/8/2011
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S-4.16 Subject: Parklet Pilot Program Report
From: Community And Economic Development Agency
Recommendation: Receive An Informational Report Regarding The Parklet Pilot Program, Which Provides A Temporary Use Of Space In The Dedicated Public Right-Of-Way For Public Uses Such As Seating Or Bicycle Racks
[11-0095](#)

Scheduled to *Public Works Committee on 11/8/2011
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S-4.17 Subject: Change Order Limit Increase - 12th St Reconstruction Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Increase The Change Order Limit For The Contract With McGuire & Hester For The 12th Street Reconstruction Project (Project No. C241610) From Ten Percent To Fifteen Percent Of The Original Contract Amount For A Total Contract Amount Not-To-Exceed Thirty Six Million Eight Hundred Forty-One Thousand Eight Hundred Eighty Dollars And Eighty Six Cents (\$36,841,880.86)
[11-0097](#)

Scheduled to *Public Works Committee on 11/8/2011
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S-4.18 Subject: Contract Increase - 10th St Bridge Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving The Request For Proposal ("RFP") Competitive Selection Requirement And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 10th Street Bridge Project And To Increase The Contract From One Million Two Hundred Thousand Dollars (\$1,200,000.00) To A Total Contract Amount Not-to-Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00)
[11-0098](#)

Scheduled to *Public Works Committee on 11/8/2011
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S-4.19 Subject: Contract Increase - 12th St Reconstruction Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal ("RFP") Selection Requirement And Authorizing The City Administrator To Amend The Contract With Rajappan & Meyer Consulting Engineers, Inc. To Add Additional Design And Engineering Services For The 12th Street Reconstruction Project And To Increase The Contract From Five Million Eight Hundred Thousand Dollars (\$5,800,000.00) To A Total Contract Amount Not-to- Exceed Six Million Eighty Thousand Dollars (\$6,080,000.00)
[11-0099](#)

Scheduled to *Public Works Committee on 11/8/2011

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S-4.20 Subject: Contract Award - Sanitary Sewers Rehabilitation
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc. The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers In The Easement Between Moore Drive And Aitken Drive, Easement Between Saroni Drive And Arrowhead Drive, And Easement Between Glencourt Drive And Homewood Drive (Project No. C329125) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Fifty-three Thousand Six Hundred Four Dollars (\$253,604.00)
[11-0100](#)

Scheduled to *Public Works Committee on 11/8/2011

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S-4.21 Subject: Contract Award - Sanitary Sewers Rehabilitation
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To B-Side, Inc. The Lowest Responsive And Responsible Bidder, For The Rehabilitation Of Sanitary Sewers In The Easement Between Mastland Drive And Ascot Drive (Project No. C329124) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Hundred Thirty-Two Thousand Thirty-Seven Dollars (\$232,037.00)
[11-0101](#)

Scheduled to *Public Works Committee on 11/8/2011

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S-4.22 Subject: Zero Waste System Design
From: Public Works Agency
Recommendation: Adopt A Resolution Adopting The Recommended System Design To Meet
The Adopted Zero Waste Strategy - Develop A New Waste Management System Design In
Preparation Of Oakland's Next Collection And Disposal Contracts
[11-0104](#)

Scheduled to *Special Public Works Committee on 11/29/2011

*It was at this time that a Special Public Works Committee Meeting was
scheduled for November 29, 2011 at a time to be determined.*

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S-4.23 Subject: Workers' Compensation Report
From: Finance And Management Agency
Recommendation: A Request To Withdraw An Item Already Scheduled To The October 25,
2011 Finance And Management Committee Agenda And Reschedule To The November 8,
2011 Finance And Management Committee Agenda

Discussion And Possible Action On A Report Regarding Workers' Compensation

Reason: Staff is receiving additional information from consultants to input into the report.
Information was not available in time for the printing of this agenda.

[10-0561](#)

***Rescheduled to *Finance & Management Committee on 11/8/2011**

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S-4.24 Subject: Emergency Interim Ordinance - Demolition Permits
From: Councilmember Jane Brunner
Recommendation: Adopt An Emergency Interim Ordinance Amending The Oakland
Municipal Code, Chapter 15.36 "Demolition Permits" In Order To Add Restrictions On The
Demolition Of A Structure Without A Building Permit For A Replacement Structure, Where
The Owner Intends To Create A Vacant Lot
[11-0103](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 10/18/2011**

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S-4.25 Subject: Contract Extension - Townsend Public Affairs
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recommending That Townsend Public Affairs' State Lobbyist Contract Get Extended For The Period Of October 31, 2011 Through October 31, 2012 At A Cost Of One Hundred Thirty Thousand Dollars (\$130,000), And Authorizing An Option To Renew On A Month To Month Basis For A Six Month Period Until April 31, 2013, At The City's Discretion, And To Increase The Agreement Up To An Amount-Not-To Exceed One Hundred Thirty Thousand Dollars (\$130,000), As Needed, For A Total Agreement Not-to-Exceed Five Hundred Eighty Five Thousand Dollars (\$585,000)
[11-0102](#)

***Rescheduled to *Rules & Legislation Committee on 10/20/2011**

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S-4.26 Subject: 2010 Raiders Ticket Surcharge
From: Office Of Parks And Recreation
Recommendation: Adopt A Resolution Decreasing Estimated Revenue And Offsetting Expenditures From The 2010 Raiders Ticket Surcharge To Reflect Actual Revenues Collected And Authorizing A Transfer Of \$136,665.54 Which Is The Actual Revenue Collect From The Non-Departmental Citywide Activities Budget To The Office Of Parks And Recreation Budget To Benefit Citywide Youth Activities
[11-0093](#)

Scheduled to *Life Enrichment Committee on 11/8/2011

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5 A review of the Council Committees' actions from October 11, 2011 and determination of scheduling to the ORA/City Council meeting of October 18, 2011 or future dates (MATRIX)

A motion was made by Member Brooks, 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

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6 A review of the Agendas for the Council Committees for the meetings of October 25, 2011 and the Rules and Legislation Meeting of October 27, 2011

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

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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 12:05 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.

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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