



# City of Oakland Meeting Agenda

## \*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>**

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**Thursday, November 17, 2011**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### ***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:**

**Vice Mayor Brooks, District 6; Pro Tempore Ignacio De La Fuente, District 5; Libby Schaaf, District 4; and Council President Larry Reid; District 7**

- 1 Determinations of Closed Session
- 2 Approval of the Draft Minutes from the Committee meeting of November 3, 2011

**There are no minutes to approve.**

- 3 Determination of Schedule of Outstanding Committee Items
- 4 Scheduling of Agenda Items  
([rules111711item4](#))

S-4.1 Subject: Two Tier Retirement Amendment  
From: Office Of The City Attorney

Recommendation: Adopt An Ordinance Repealing Ordinance No. \_\_\_\_, Approving An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CalPERS) To Provide 1) Section 20475, Different Level Of Benefits, Section 21354.4 (2.5% @ 55 Full Formula) And Section 20037 (Three-Year Final Compensation) Applicable To Local Miscellaneous Members Entering Membership For The First Time In The Miscellaneous Classification After The Effective Date Of This Amendment To Contract; 2) Section 20475, Different Level Of Benefits, Section 21363.1 (3% @ 55 Full Formula And Section 20037 (Three-Year Final Compensation) Applicable To Local Safety Members Entering Membership For The First Time In The Safety Classification After The Effective Date Of This Amendment To Contract; And (3 To Include Section 20516 (4% Employees Sharing Cost Of Additional Benefits) For Second Tier Local Fire Members; On The December 6, 2011 City Council Agenda  
(11-0138)

S-4.2 Subject: Professional Services Agreement - Kennedy And Associates  
From: Community And Economic Development Agency  
Recommendation: A Request To ReTitle An Item Already Scheduled To The November 29, 2011 Special Community And Economic Development Committee Agenda

NEW TITLES:

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 One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) 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 One Hundred Fifty Thousand Dollars (\$150,000) For A Total Contract Amount Of Three Hundred Thousand Dollars (\$300,000) For Additional Civil Engineering Services For The Former Oakland Army Base Project

OLD TITLES: Agency and City Resolutions 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

REASON: New Title Reduces Proposed Contract Amendment Amount And Duration By

50%, So That Services May Be Re-Bid Sooner, Potentially Allowing For Greater Local Business Participation.

[\(11-0085\)](#)

- S-4.3      Subject:     Pulte Homes Contract Increase - Rainbow Teen Center  
From:        Community And Economic Development Agency  
Recommendation: A Request To Reschedule An Item Withdrawn From The November 8, 2011 Public Works Committee Agenda

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

REASON: Staff need additional time to provide clarifications of payment strategy which have been requested by the Office of the City Administrator.

[\(11-0090\)](#)

- S-4.4      Subject:     Agreement - Building Services Management Review  
From:        Community And Economic Development Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate And Execute An Amendment To An Agreement With Management Partners, Inc. For The Management Review Of The Building Services Division Within The Community & Economic Development Agency For A New Total Not To Exceed \$185,000; 2) Waive The Competitive Procurement Process For This Agreement; And 3) Waive Local And Small Local Business Enterprise Requirements; On The November 29, 2011 Special Community And Economic Development Committee Agenda

[\(11-0133\)](#)

- S-4.5      Subject:     High Profile Code Enforcement Cases  
From:        Community And Economic Development Agency  
Recommendation: Discussion And Possible Action On High Profile Code Enforcement Cases; On The November 29, 2011 Special Community And Economic Development Committee Agenda

[\(11-0135\)](#)

- S-4.6      Subject:     Demolish Residence Report  
From:        Community And Economic Development Agency  
Recommendation: Receive A Report On Residences Demolished By Building Services Between 2007 And 2011 And New Procedures Requiring The City Attorney And City Administrator To Review The Public Nuisance Process Before Demolition Contracts Are Bid; On The November 29, 2011 Special Community And Economic Development Committee Agenda

[\(11-0136\)](#)

- S-4.7      Subject:     Building Services-Priority Improvement  
From:        Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:  
1) A Resolution Approving A Report From The City Administrator Implementing Building Services Division (“BSD”) Priority Improvement Items In Response To The Motion Of The City Council Adopted At The September 20, 2011 City Council Meeting,

Including, Neutral Appeals Process For Code Enforcement Appeals, Discontinuing Prospective Code Enforcement Liens, Revising Conflict Of Interest Policy For Outside Employment For The BSD, And Conducting An Further Investigation Of BSD, And Approving A Requirement To Rebid Change Orders Above Ten Percent For Certain BSD Contracts In Excess Of \$2,500 And Adopting An Amnesty Program For Certain BSD Penalties And Interest; And

2) A Resolution Creating A Building Services Improvement Advisory Task Force, Setting Procedures And Criteria For Appointment, And Providing The Terms And Responsibilities Of The Advisory Task Force Members; On The November 29, 2011 Special Community And Economic Development Committee Agenda

[\(11-0137\)](#)

S-4.8

Subject: Brooklyn Basin Development Project

From: Community And Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply, Accept And Appropriate Grant Funding From The State Of California Natural Resources Agency, Department Of Water Resources: Local Levee Assistance Program In An Amount Not To Exceed Ten Million Dollars (\$10,000,000.00) To Assist With The Brooklyn Basin Development Project; And 2) To Designate Oakland Harbor Partners ("Sub-Grantee") As The Primary Sub-Grant Recipient, Project Manager, And General Contractor For The Grant, If Received; And 3) Authorize The City Administrator Or Her Designee To Work With Oakland Harbor Partners (OHP) To Secure The Grant And Utilize The Funding To Meet The BCDC Permit, State Lands Commission And City Of Oakland Project And Contracting Requirements; On The December 6, 2011 City Council Agenda

[\(11-0141\)](#)

S-4.9

Subject: General Obligation Refunding Bonds

From: Finance And Management Agency

Recommendation: Adopt A Resolution Authorizing The Issuance And Sale Of The Not-To-Exceed \$95,000,000 Aggregate Principal Amount Of City Of Oakland General Obligation Refunding Bonds, Series 2012; Prescribing The Terms Of Sale Of Said Bonds; Approving The Form Of And Authorizing The Execution And Delivery Of A Fiscal Agreement, Escrow Agreement, Continuing Disclosure Certificate And Bond Purchase Contract; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing The Execution And Delivery Of An Official Statement; And Authorizing Necessary Actions Related Thereto; On The November 29, 2011 Special Finance And Management Committee Agenda

[\(11-0140\)](#)

S-4.10

Subject: Delinquent Real Property Transfer Taxes

From: Finance and Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes

And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary -Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0142\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0142-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary-Pursuant To Chapter 4.20 Of The Oakland Municipal Code; On The December 6, 2011 City Council Agenda As A Public Hearing

[\(11-0142-2\)](#)

S-4.11

Subject: Delinquent Business Taxes

From: Finance And Management Agency

Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Business Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County For Collection; Or

[\(11-0143\)](#)

2) A Resolution Overruling Protests And Accepting And Confirming Reports Of The City Administrator On The Delinquent Business Taxes And Confirming The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges To Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0143-1\)](#)

3) A Resolution Continuing Hearing On Reports Of The City Administrator On The Delinquent Business Taxes And The Confirming Of The Recordation Of Liens, Administrative Charges And Assessment Charges As Necessary - Pursuant To Title 5, Chapter 5.04 Of The Oakland Municipal Code; On The December 6, 2011 City Council Agenda As A Public Hearing

[\(11-0143-2\)](#)

S-4.12      Subject:     Assessment Of Liens - Transient Occupancy Taxes  
From:        Finance And Management Agency  
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0144\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Transient Occupancy Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over to The County Tax Collector For Collection; Or

[\(11-0144-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Transient Occupancy Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 4.24 Of The Oakland Municipal Code

[\(11-0144-2\)](#)

S-4.13      Subject:     Delinquent Mandatory Garbage Fees  
From:        Finance And Management Agency  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Confirming The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0145\)](#)

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Garbage Service Fees And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

[\(11-0145-1\)](#)

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Garbage Service Fees And The Recordation Of Liens With Administrative And Assessment Charges As Necessary - Pursuant To Chapter 8.28 Of The Oakland Municipal Code; On The December 6, 2011 City Council Agenda As A Public Hearing  
[\(11-0145-2\)](#)

S-4.14 Subject: Special Finance And Management Meeting  
From: President Pro Tem De La Fuente  
Recommendation: A Request To Schedule A Special Finance And Management Committee Meeting On November 29, 2011 At 12:00 P.M.  
[\(11-0147\)](#)

S-4.15 Subject: Parking Grace Period  
From: Councilmember Jane Brunner  
Recommendation: Adopt A Resolution Establishing A Five-Minute Grace Period For Parking At Public Pay-And-Display Parking Meters In The City Of Oakland; On The November 29, 2011 Special Finance And Management Committee Agenda  
[\(11-0139\)](#)

S-4.16 Subject: Special Council Session - Oakland Army Base  
From: Council President Reid  
Recommendation: A Request To Schedule A Special Council Session (Workshop) On The Development Of The Oakland Army Base On November 29, 2011 At 5:30 P.M.  
[\(11-0146\)](#)

S-4.17 Subject: Commending Morrie Turner  
From: Councilmembers Schaaf And Nadel  
Recommendation: Adopt A Resolution Commending Morrie Turner For His Many Years Of Communicating Through His Drawings Of "Wee Pals" Characters; On The December 6, 2011 City Council Agenda As A Ceremonial Item  
[\(11-0134\)](#)

5 A review of the Agendas for the Special Meetings of November 29, 2011 and the Rules and Legislation Committee Meeting of December 1, 2011

6 Subject: Contract Extension - Townsend Public Affairs  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Waiving The Competitive Request For Proposal / Qualifications (RFP/Q) Process And Authorizing The City Administrator: 1) To Extend The Existing Agreement With Townsend Public Affairs, Inc., The City's State Legislative Representative, To October 31, 2012, 2) To, Thereafter, Continue The Agreement On A Month-To-Month Basis Until April 31, 2013, At The City's Discretion, And 3) To Increase The Agreement Up To An Amount-Not-To Exceed One Hundred Thirty Thousand Dollars (\$130,000), As Needed, For A Total Agreement Amount-Not-To- Exceed Five Hundred Eighty Five Thousand Dollars (\$585,000)  
[\(11-0102\)](#)

**This item was rescheduled to this agenda pursuant to Rule 28 of Council's Rules of Procedures, Resolution 82580 C.M.S.**



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**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.

Office of the City Clerk - Agenda Management Unit  
Phone: (510) 238-3226  
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(TTD)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM**

\* 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