



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>

Thursday, November 20, 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 meeting of November 6, 2008
- 3 Determination of Schedule of Outstanding Committee Items
(11-20 Rules Pending)
- 4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of November 25, 2008 - CANCELLATION NOTICES (SUPPLEMENTAL)
(11-20 Rules Item 4)

- S-4-1 Subject: Nuisance Ordinance Amendment
From: Oakland Police Department
Recommendation: Adopt An Ordinances To Improve Various Provisions Of The Oakland Municipal Code (OMC) Which Prohibit Nuisance And Other Illegal Activities In The City In Order To Improve The Quality Of Life Of City Of Oakland Residents (1) Repealing OMC Section 5.18.030 Which Prohibits Solicitation Of Contributions For Oneself In Public; (2) Adding Chapter 9.10 To The OMC To Prohibit Aggressive Solicitation; (3) Adding OMC Section 9.08.175 Prohibiting Trespassing; (4) Adding OMC Section 9.08.020 Prohibiting Urinating And Defecating In Public; (5) Adding OMC Chapter 9.58 Prohibiting Loitering In Public For The Purpose Of Engaging In Illegal Drug Activity; (6) Amending OMC Sections 9.08.160 (Sitting Or Lying In The Street Or Sidewalk), 9.08.170 (Blocking Pedestrian Travel), 9.08.180 (Possessing An Open Container Of Alcohol In Public View) And 9.08.260 (Loitering For The Purpose Of Prostitution) To Grant Discretion To The Prosecutor To Charge Violations As Infractions Or Misdemeanors; (7) Repealing OMC Section 9.08.100 Prohibiting Public Drunkenness; And (8) Adding OMC Section 1.28.015 To Codify The Grant Of Discretion To The Prosecuting Attorney To Charge Certain Misdemeanor Violations As Infractions; On The December 16, 2008 Public Safety Committee Agenda [\(07-1829\)](#)
- S-4-2 Subject: Donald P. McCullum Youth Court - Grant
From: Oakland Police Department
Recommendation: Adopt Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply, Accept And Appropriate Grant Funds In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000) From The State Of California, Corrections Standards Authority, Juvenile Accountability Block Grant (JABG) Program, Gang Intervention Grant Initiative, And Authorizing A Professional Services Agreement In An Amount Not To Exceed One Hundred And Fifty Thousand Dollars (\$150,000) With The Donald P. McCullum Youth Court, And Appropriate Said Funds To The Police Department; On The December 9, 2008 City Council Agenda [\(07-1842\)](#)

S-4-3 Subject: Civicorps Schools Agreement
 From: Office of the City Administrator
 Recommendation: Adopt A Resolution Authorizing The City Administrator
 To Execute A Two Year Professional Services Agreement, With Two
 One-Year Options For Renewal, With Civicorps Schools For
 Implementation Of The Excess Litter Fee Program In An Amount Not To
 Exceed \$350,000.00 Each Year

(Title Change) Adopt A Resolution Authorizing The City Administrator To
Execute A Two Year Professional Services Agreement, With Two
One-Year Options For Renewal, With Civicorps Schools For
Implementation Of The Excess Litter Fee Program In An Amount Not To
Exceed \$400,000 Each Year; On The December 2, 2008 Community and
Economic Development Committee Agenda

Reason: Change In Title Reflects An Increase In The Contract Amount
From \$350,000 (Original Title) To \$400,000 (Revised)

[\(07-1756\)](#)

S-4-4 Subject: Neighborhood Project Initiative Program
 From: Office of the City Administrator
 Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating Funding In An Amount Not To
Exceed \$240,000 Under the Coliseum Redevelopment Neighborhood
Project Initiative (NPI) Program for (1) Improvements To The Fruitvale
Masonic Temple at 1249 Avenida De La Fuente, (2) Improvements To The
Teen Center At 5818 International Boulevard and (3) Purchase and
Installation of Surveillance Cameras In Businesses Along International
Boulevard, Authorizing A Contribution of Agency Funds In An Amount
Not To Exceed \$160,000 To The City Under The Cooperation Agreement
For The Teen Center Improvements And the Cameras, And Authorizing A
Grant Agreement With The Unity Council For The Masonic Temple
Improvements; And

[\(07-1789\)](#)

2) A City Resolution Accepting And Appropriating Redevelopment Agency Funds
Under The Cooperation Agreement In An Amount Not To Exceed \$160,000 For (1)
Improvements To The Teen Center At 5818 International Boulevard, And (2) Purchase
And Installation Of Surveillance Cameras In Businesses Along International Boulevard
Within The Coliseum Redevelopment Project Area Under The Neighborhood Project
Initiative (NPI) Program; On The December 2, 2008 Community and Economic
Development Committee Agenda (NEW TITLE)

Old Title - Adopt City And Agency Resolutions Allocating Redevelopment Agency
Funds Under The Cooperation Agreement In An Amount Not To Exceed Two Hundred
And Forty Thousand Dollars (\$240,000) For Certain Public Improvements Within The

Coliseum Redevelopment Project Area Under The Neighborhood Project Initiative
Program
(07-1789-1)

S-4-5 Subject: Contract Approval for Engineer Services 2009-2011
From: The Budget Office
Recommendation: Adopt A Resolution Authorizing The City Administrator
To Execute A Contract With (Consultant To Be Selected From RFP
Process) For A Two-Year Contract, With An Option To Extend The
Contract For Two Additional Years, In An Amount Not To Exceed
\$150,000 To Perform Engineering Services For The Landscaping And
Lighting Assessment District (LLAD), The Wildfire Prevention Assessment
District (WPAD), The Emergency Services Retention Act Of 1997
(Measure M), The Paramedic Services Act Of 1997 (Measure N), The
Library Services Retention And Enhancement Act Of 1994 (Measure Q),
The Violence Prevention And Public Safety Act Of 2004 (Measure Y) And
The Rockridge Library Community Facilities District Of 1992 For The
Fiscal Years 2009-2010 And 2010-2011; On The December 16, 2008
Finance and Management Committee Agenda
(07-1850)

S-4-6 Subject: Cure And Correct - September 12, 2008 Actions
From: Office of the City Attorney
Recommendation: A Report And Action To Be Taken To Cure And
Correct Actions Taken In Connection With A Gathering Of A Majority Of
Members Of The Community And Economic Development Committee On
September 12, 2008, Pertaining To A Presentation By The Oakland
Builders Alliance On An Economic And Neighborhood Recovery Program
A) Whether To Cure And Correct The Challenged Action
B) If So, Whether To Affirm Or Supersede Any Challenged Action Of
The Committee; On The December 2, 2008 Community And Economic
Development Committee Agenda
(07-1855)

S-4-7 Subject: Measure Q Performance Audit
From: Office of the City Auditor
Recommendation: Receive The Measure Q Performance Audit: Library
Funds Were Mostly Spent In Accordance With The Measure; On The
December 9, 2008 City Council Agenda
(07-1852)

S-4-8 Subject: Proposed Council Meeting Schedule 2009
From: Office of the City Clerk
Recommendation: A Request From The Office Of The City Clerk To
Review The Proposed Meeting Schedule For 2009
(07-1854)

- S-4-9 Subject: Early Retirement And Voluntary Time Off Analysis
From: Councilmember Jane Brunner
Recommendation: Action On An Implementation Plan And Cost Analysis Of 1) An Early Retirement Program ("Golden Handshake"), And 2) A Voluntary Time Off Program For City Employees; On The December 16, 2008 Finance And Management Committee Agenda
(07-1798)
- S-4-10 Subject: Urban Streams Restoration Program Grant
From: Councilmember Jean Quan
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Intent To Apply With The Friends Of Sausal Creek For An Urban Streams Restoration Program Grant For The Sausal Creek Watershed; On The December 9, 2008 City Council Agenda
(07-1837)
- S-4-11 Subject: Crimestop Committee Travel
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Councilmember Kernighan's Priority Project Funds For Travel By A Delegation Of Seven Oakland Police Department Crimestop Committee Members To Los Angeles, California To Attend And Observe Los Angeles Police Department's Comparative Statistics ("CompStat") Meeting In December 2008, At Which The Police Department's Management Will Discuss Crimes And Crime Trends; On The December 9, 2008 City Council Agenda
(07-1838)
- S-4-12 Subject: Coach Paul Perenon - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Congratulating Coach Paul Perenon On His Two Hundred Varsity Football Wins At Bishop O'Dowd High School; On The December 9, 2008 City Council Agenda
(07-1839)
- S-4-13 Subject: Violence Prevention Curricula Development
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Authorizing A Grant Of Up To \$7978.50 From Councilmember Patricia Kernighan's Paygo Funds To The Department Of Human Services For OUSD Middle School Violence Prevention Curricula (Second Step And Too Good For Violence); On The December 9, 2008 City Council Agenda
(07-1840)

- S-4-14 Subject: Regina Jackson - Recognition
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Recognizing Regina Jackson For Her Distinguished Service To East Oakland Youth Development Center; On The December 9, 2008 City Council Agenda
[\(07-1841\)](#)
- S-4-15 Subject: 2009 Federal Legislative Agenda Approval
From: City Council
Recommendation: Action On A Report Requesting Approval Of The Proposed 2009 Federal Legislative Agenda For The City Of Oakland; On The December 4, 2008 Rules And Legislation Committee Agenda
[\(07-1853\)](#)
- S-4-16 Subject: Local Employment Program Changes
From: Contracting And Purchasing
Recommendation: Adopt A Resolution Amending Resolution No. 69687 CMS Adopting A Local Employment Program And A Small Local Business Enterprise Program For Public Works Contracts To Increase The Number Of Oakland Resident Work Hours Leveraged Through City Policy And Increase Employment Of At-Risk Residents; On The December 16, 2008 Public Works Committee Agenda
[\(07-1831\)](#)
- S-4-17 Subject: Chappell-Hayes Health Clinic Improvements
From: Department of Human Services
Recommendation: A Request To Withdraw From The December 2, 2008 Life Enrichment Committee Agenda A Resolution Authorizing The City Administrator To Apply For And Accept A Grant For \$473,707 From The U.S. Department Of Health And Human Services, Health Resources And Services Administration (HRSA), For Capital Improvements To The Chappell Hayes Health Clinic At McClymonds High School And To Execute A Contract With Oakland Unified School District (OUSD) In An Amount Not To Exceed \$473,707 For The Period September 1, 2008 Through August 31, 2009; And Reschedule To The December 2, 2008 Public Works Committee Agenda

Reason: We Need To Move This Item To The December 2nd Public Works Committee Because The Funds Are Actually Being Used For A Capital Project. Chairperson Chang And Chairperson Nadel Have Both Approved This Change.
[\(07-1735\)](#)

- S-4-18 Subject: Vacating Peralta Street
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The December 2, 2008
Public Works Committee Agenda The Following Pieces Of Legislation:
- 1) An Ordinance Authorizing The City Administrator Without Returning To
Council To Acquire The Underlying Fee Simple Interest Of A Portion Of
The Mandela Parkway Right-Of-Way By An Equivalent Exchange Without
Compensation Of A Portion Of The Peralta Street Right-Of-Way Near The
Intersections Of West Grand Avenue And 20th Street Between The City
And Hemmat And Dokhanchy Associates And Brian Collins; And
(07-1004)
- 2) A Resolution Summarily Vacating A Portion Of The Peralta Street Right-Of-Way
Between The Intersections Of West Grand Avenue and 20th Street To Brian Collins And
Hemmat And Dokhanchy Associates
(07-1004-1)
- Subject: Vacating Peralta Street
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On A Request From The Owner of
2001 Mandela Parkway To Modify The Proposed Boundary Of The Peralta Street
Vacation; And Place On The Committees Pending List
(07-1004-2)
- S-4-19 Subject: Income Producing Encroachments - License Fee
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) An Ordinance Amending The Oakland Municipal Code To Add A New
Section 12.08.034 Requiring The Licensing of Income-Producing
Encroachments In The Public Right-Of-Way; And
(07-1769)
- 2) Amending Ordinance No. 12880 C.M.S. (Master Fee Schedule) To Add A New
License Fee For Income-Producing Encroachments; On The January 13, 2009 Public
Works Committee Agenda
(07-1769-1)
- S-4-20 Subject: Various Façade Improvement Program Allocations
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) An Agency Resolution Allocating \$125,000 To The West Oakland
Redevelopment Project Area Façade Improvement Program And Allocating
\$125,000 To The West Oakland Redevelopment Project Area Tenant
Improvement Program;
(07-1792)

Area Façade Improvement Program And Allocating \$245,000 To The Coliseum
Redevelopment Project Area Tenant Improvement Program; And
(07-1792-1)

3) An Agency Resolution Allocating \$300,000 To The Broadway/MacArthur/San Pablo
Redevelopment Project Area Façade Improvement Program And Allocating \$300,000 To
The Broadway/MacArthur/San Pablo Redevelopment Project Area Tenant Improvement
Program (TO BE WITHDRAWN)

This piece of Legislation is being withdrawn because the Broadway/MacArthur/San Pablo
Redevelopment Project Area Committee has requested more time to consider the
recommended funding and will vote on this item in January
(07-1792-2)

S-4-21 Subject: Olson 737-Oakland 1, LLC - Agreement Amendment
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The December 2, 2008
Community And Economic Development Committee Agenda
Redevelopment Agency And City Resolutions Authorizing An Amendment
To The Disposition And Development Agreement With Olson 737 -
Oakland 1, LLC, For The City Center T-10 Residential Project At 14th
Street, 13th Street Pedestrian Walk, Jefferson Street And Martin Luther
King, Jr. Way, To Permit The Project To Be A Rental Project, To Extend
The Dates For Project Development And Completion, To Authorize
Transfer Of The Development Right To DCA City Walk, L.P., Or To
Another Qualified Entity Approved By The Agency Administrator Without
Returning To The Agency, And To Eliminate Profit-Sharing; And
Reschedule To The December 16, 2008 Community And Economic
Development Committee Agenda

Reason: Certain Terms Of the Agreement Are Still Under Negotiation
(07-1802)

S-4-22 Subject: Gallagher And Burk - Street Resurfacing
From: Community and Economic Development Agency
Recommendation: A Request To Withdraw From The December 2, 2008
Public Works Committee Agenda A Resolution Authorizing Award Of A
Construction Contract To Gallagher And Burk, Inc., For Citywide Street
Resurfacing Fiscal Year 2007-2008 (Project No. G339610), In The Amount
Of One Million Eight Hundred Ninety-Five Thousand and Seventy Dollars
(\$1,895,070.00); And Reschedule To The December 16, 2008 Public
Works Committee Agenda

Reason: Bid Opening Delayed By One Week
(07-1805)

- S-4-23 Subject: Stop Sign Installation / No Stopping Zone
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Approving The Installation Of 1) A Stop Sign On Peterson Street At Glascock Street; 2) Stop Signs On 23rd Avenue At East 29th Street; And 3) A No Stopping Anytime Zone On Foothill Boulevard, North Side, From MacArthur Boulevard To A Point 250 Feet East; On The December 16, 2008 Public Works Committee Agenda
(07-1843)
- S-4-24 Subject: Walking And Bicycling Safety Improvements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Accept And Appropriate Nine Hundred Twenty Thousand And Three Hundred Dollars (\$920,300.00) In Federal Cycle 2 Safe Routes To School (SRTS) Grant Funds For Walking And Bicycling Safety Improvements At Bret Harte Middle School, Manzanita Community And SEED Elementary Schools, And Peralta Elementary, La Escuela Internacional, And Pacific Boychoir Schools; On The December 16, 2008 Public Works Committee Agenda
(07-1844)
- S-4-25 Subject: Fremont Pool Improvement Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract To Bay Construction, Inc., For The Fremont Pool Improvement Project (No. P353410) In The Amount Of Three Hundred Ten Thousand Dollars (\$310,000.00); On The December 16, 2008 Public Works Committee Agenda
(07-1845)
- S-4-26 Subject: Conditional And Revocable Permit - 3203 Hannah Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Kathleen Kuhner A Conditional And Revocable Permit To Allow Oriel Window And A Fence For An Existing Building At 3203 Hannah Street To Encroach Into The Public Right-Of-Way Along Hannah Street And 32nd Street; On The January 13, 2009 Public Works Committee Agenda
(07-1846)
- S-4-27 Subject: Conditional And Revocable Permit - 1035 Wood Street
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Truckee Zurich Plance LLC A Conditional And Revocable Permit To Allow An Existing Building And Fence At 1035 Wood Street To Encroach Into The Public Right-Of-Way Along Wood Street And 11th Street; On The January 13, 2009 Public Works Committee Agenda

[\(07-1847\)](#)

S-4-28 Subject: Two-Year Lease Agreement - David And Kathleen Stone
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator
To Negotiate And Execute A Two-Year Lease Agreement With An
Additional Two-Year Option With David And Kathleen Stone For A
Portion Of Their Real Property Located At 2405 Monterey Boulevard For
Use As A Golf Course Fairway For A Minimal Amount Of \$6,011.16; On
The December 16, 2008 Finance And Management Committee Agenda

[\(07-1848\)](#)

S-4-29 Subject: Fruitvale Masonic Temple - Renovation
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City To Apply For,
Accept, And Appropriate Grant Funds In An Amount Not To Exceed
\$196,000 From The U.S. Department Of Housing And Urban
Development's Economic Development Initiative - Special Projects Grant
Program To Be Used In The Renovation Of The Fruitvale Masonic Temple
Located At Plaza De La Fuente And East 12th Street By The Unity
Council; On The December 2, 2008 Community And Economic
Development Committee Agenda

[\(07-1849\)](#)

S-4-30 Subject: Caltrans Progress Report
From: Public Works Agency
Recommendation: Receive The Progress Report On Caltrans Maintenance
Activities In The City Of Oakland; On The December 16, 2008 Public
Works Committee Agenda

[\(07-1830\)](#)

S-4-31 Subject: Hartford Life, Inc. - Agreement
From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing The Deferred
Compensation Committee To Execute An Agreement On Behalf Of The
City Of Oakland With The Hartford Life, Inc., To Provide Recordkeeping,
Administration, Investment, And Related Services For The City's Deferred
Compensation Plan; On The December 9, 2008 City Council Agenda

Original Report Heard At October 28, 2008 Finance & Management
Committee And Was Pulled From November 3, 2008 Council Agenda To
Confirm The Financial Position Of Hartford Life, Inc. Staff
Recommendation To Remain The Same.

[\(07-1713\)](#)

- S-4-32 Subject: Cash Management Report
From: Finance and Management Agency
Recommendation: Receive The Cash Management Report for the Quarter Ending September 30, 2008; On The December 2, 2008 Finance And Management Committee Agenda
(07-1832)
- S-4-33 Subject: Public Hearing - Real Property Transfer Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Assessment Of Liens For Delinquent Real Property Transfer Taxes; On The December 9, 2008 City Council Agenda
(07-1833)
- S-4-34 Subject: Public Hearing - Transient Occupancy Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Transient Occupancy Taxes; On The December 9, 2008 City Council Agenda
(07-1834)
- S-4-35 Subject: Public Hearing - Delinquent Mandatory Garbage Fees
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On Delinquent Mandatory Garbage Fees For April/May/June 2008 Monthly Accounts, And July/August/September 2008 Quarterly Accounts; On The December 9, 2008 City Council Agenda
(07-1835)
- S-4-36 Subject: Public Hearing - Delinquent Business Taxes
From: Finance and Management Agency
Recommendation: Conduct A Public Hearing On The Assessment Of Liens For Delinquent Business Taxes; On The December 9, 2008 City Council Agenda
(07-1836)
- S-4-37 Subject: Tax Defer PERS Members Paid Contributions
From: Finance and Management Agency
Recommendation: Receive An Informational Report And Adopt A Resolution Authorizing Implementation Of The Provisions Of Section 1414(H)(2) Of The Internal Revenue Code To Tax Defer Members Paid Contributions To The California Employees Retirement System (PERS) For Local Miscellaneous Employees Who Are Members Of PERS; On The December 16, 2008 Finance and Management Committee Agenda
(07-1851)

5 A review of the Agendas for the Council Committees for the meetings of December 2, 2008 and the Rules and Legislation Committee for the meeting of December 4, 2008

(11-20 Rules Item 5)

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
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(TDD)

**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