



City of Oakland Meeting Minutes

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, May 27, 2010

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Excused: Chair Brunner

Present: Member Quan, Member Reid and Member De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:55 am, with Councilmember Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by Member Quan, seconded by Member De La Fuente, to Accepted. The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

2 **Approval of the Draft Minutes from the Committee meeting of May 13, 2010**

A motion was made by Member De La Fuente, seconded by Member Quan, to *Approve the Minutes. The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

3 **Determination of Schedule of Outstanding Committee Items**

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

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

4 **Scheduling of Agenda Items and revisions to the agenda(s) for the ORA/City Council meeting of June 1, 2010 and the Rules and Legislation Committee Meeting of June 3, 2010 (SUPPLEMENTAL)**

A motion was made by Member De La Fuente, seconded by Member Quan, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

[527item4](#)

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S-4-1 Subject: Weatherization Assistance Program
From: Office Of The City Administrator/Equal Access
Recommendation: Adopt A Resolution Amending Resolution Number 82636
C.M.S. Authorizing A Subcontract With The County Of Alameda To Administer
The California Community Services And Development Department's
Weatherization Assistance Program Outside Of Oakland, To Allow For The Use
Of Funds Within Oakland
[09-1514](#)

**Scheduled to *Community & Economic Development Committee on
6/8/2010**

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[82828 CMS.pdf](#)

S-4-2 Subject: Improving Language Access To City Services
From: Office Of The City Administrator/ Equal Access
Recommendation: Receive A Status Report On The Implementation Of The Equal
Access To Services Ordinance
[09-1526](#)

Scheduled to *Finance & Management Committee on 6/22/2010

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S-4-3 Subject: Tui Ko - Settlement Agreement
From: Office Of The City Attorney
Recommendation: A Request To Withdraw From The June 1, 2010 City Council
Agenda With No New Date.

A Resolution Authorizing And Directing The City Attorney To Compromise And
Settle The Claim Of Tui Ko, In The Amount Of \$5,358.09, As A Result Of
Property Damage Sustained In An Automobile Collision On December 9, 2009
(Public Works Agency)

Reason For Request: For Further Development Of The Claim
[09-1505](#)

***Withdrawn with No New Date**

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S-4-4 Subject: Reserved Parking Program
From: Council President Brunner
Recommendation: A Request To Re-Title An Item Already Scheduled To The
June 8, 2010 Community And Economic Development Committee Agenda

NEW TITLE: Adopt An Ordinance Amending Oakland Municipal Code (OMC)
Chapter 12.08 (Encroachments) To Add A New Section 12.08.250 (Broadway
Auto Row On-Street, Reserved Parking Program), To Create A Pilot On-Street,
Reserved Parking Program For Broadway Auto Row Auto Dealers, For The
Exclusive Use Of Certain On-Street Parking By A Dealership And Its Customers

OLD TITLE: Adopt A Resolution To Create A Pilot On-Street, Reserved Parking
Program For Broadway Auto Row Auto Dealers, Whereby Auto Dealers Located
On Broadway May Elect To Pay An Amount Equal To The Average Revenue Of
The Meters Immediately In Front Of Their Businesses In Order To Have The
Meters Removed And The Spaces Reserved For Exclusive Use By The Dealership
And Its Customers

[09-1402](#)

***Withdrawn with No New Date**

S-4-5 Subject: Budget Policy - City Employee Parking
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Establishing Budget Policy Regarding City
Subsidization Of Parking In The Downtown Civic Center For City Employees and
Elected Officials

[09-1463](#)

Scheduled to *Finance & Management Committee on 6/8/2010

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S-4-6 Subject: Community Informational Budget Meetings
From: Vice Mayor Quan
Recommendation: Receive A Request To Schedule Community Informational
Meetings On The City Budget; On The June 1, 2010 City Council Agenda

[09-1477](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/1/2010**

- S-4-7 Subject: Support Of Senate Bill 1205
From: Vice Mayor Quan
Recommendation: Adopt A Resolution In Support Of Senate Bill (SB) 1205
(Corbett) Establishing The San Francisco Bay Area Disaster Recovery Planning
Council
[09-1512](#)
**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/1/2010**
[View Supplemental Report.pdf](#)
[82809 CMS.pdf](#)
- S-4-8 Subject: Courtland Creek Park - Quan's Pay-Go Funds
From: Vice Mayor Quan
Recommendation: Adopt A Resolution Authorizing A Grant \$10,035.65 From
Councilmember Jean Quan's Pay-Go Funds To The Friends Of Oakland Parks And
Recreation, Fiscal Agent For ACE Arts, For Rejuvenation Work For Courtland
Creek Park
[09-1527](#)
**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/15/2010**
[View Report.pdf](#)
[82817 CMS.pdf](#)
- S-4-9 Subject: Portable Restroom At Madison Square Park
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Authorizing An Allocation Of \$1960 To
The Public Works Agency For Rental Of A Portable Restroom At Madison Square
Park Through Fiscal Year 2010 -2011
[09-1529](#)
**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/15/2010**
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[82855 CMS.pdf](#)
- S-4-10 Subject: City And The Port Layoffs
From: Department Of Human Resources Management
Recommendation: Approve One Of The Alternative Actions:

1) Recommendation That The City Administrator Negotiate And Execute An
Agreement With The Port Of Oakland And Affected Bargaining Groups To
Identify And Address Differences Between The City Of Oakland's Layoff Process
And The Port Of Oakland's Layoff Process; OR
[09-1515](#)
Scheduled to *Finance & Management Committee on 6/8/2010
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2) A Resolution Directing Staff To Develop An Amendment To The City Of Oakland Charter Revising Article IX Personnel Administration To Create Separate Merit Systems For The City And The Port That Are Governed By One Civil Service Board
[09-1515-1](#)

Scheduled to *Finance & Management Committee on 6/8/2010

S-4-11 Subject: Status Of Temporary Contract and Exempt Limited Employees
From: Department Of Human Resources Management
Recommendation: Receive An Informational Report With A Status Update On The Use Of Temporary Service Employees (TCSEs) And Exempt Limited Duration Employee (ELDEs) In Response To The 2009 Hiring Practices Audit
[09-1518](#)

Scheduled to *Finance & Management Committee on 7/13/2010

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S-4-12 Subject: 2009-2011 Adopted CEDA Biennial Budget
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2009-2011 Adopted Biennial Budget, Which Was Amended Pursuant To Resolution Number 82578, C.M.S., To Provide For Changes In Revenue Estimates And Appropriations For Various Funds Administered By The Community And Economic Development Agency (CEDA) [TITLE CHANGE]
[09-1490](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/15/2010

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[82847 CMS.pdf](#)

S-4-13 Subject: Amending 2009-2011 ORA Biennial Budget
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending The Oakland Redevelopment Agency's (ORA) Biennial Budget For Fiscal Years 2009-2011 To Revise Appropriations For Fiscal Year 2010-2011 [TITLE CHANGE]
[09-1501](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/ City Council on 6/15/2010

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[2010-0073 CMS.pdf](#)

S-4-14 Subject: San Francisco Bay Trail Regional Development Program
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Apply For, Accept And Appropriate Grant Funds From The San Francisco Bay Trail Regional Development Program, For Up To Four Hundred Thousand Dollars (\$400,000.00) For The Fruitvale Avenue To High Street Gap Closure Segment Of The Oakland Waterfront Bay Trail
[09-1516](#)

Scheduled to *Public Works Committee on 6/22/2010

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[82860 CMS.pdf](#)

S-4-15 Subject: Construction Of Various Streets - Gallagher & Burk, Inc.
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Awarding The Contract For Construction Of Various Streets And Roads And Preventive Maintenance (Project Number C388010) To Gallagher & Burk, Inc., The Lowest, Responsive, Responsible Bidder, In Accord With The Project Plans And Specifications And Contractor's Bid Therefore In The Amount Of One Million One Hundred Forty-Four Thousand Four Hundred Ninety-Eight Dollars And Ninety-Five Cents (\$1,144,498.95)
[09-1517](#)

Scheduled to *Public Works Committee on 6/22/2010

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S-4-16 Subject: Purchase Of Real Property At 7001 Snell Street,
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 7001 Snell Street, In The Coliseum Redevelopment Project Area, From Union Pacific Railroad, For \$295,350, And Authorizing Up To \$250,000 For Demolition, Environmental Remediation, Fencing, And Real Estate Closing Costs
[09-1519](#)

Scheduled to *Community & Economic Development Committee on 6/22/2010

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[2010-0077 CMS.pdf](#)

S-4-17 Subject: Nonprofit Affordable Housing Developers
From: Community And Economic Development Agency
Recommendation: Receive A Supplemental Informational Report On Compliance By Nonprofit Affordable Housing Developers With The City's Employment Programs
[09-1520](#)

Scheduled to *Community & Economic Development Committee on 6/22/2010

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S-4-18 Subject: Artisan Walk Home Owners Association
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing A One-Year Extension Of The
Broadway/MacArthur/San Pablo Redevelopment Project Area Committee To July
25, 2011; And
[09-1521](#)

**Scheduled to *Community & Economic Development Committee on
6/22/2010**
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[82869 CMS.pdf](#)

2) A Resolution Amending The Procedures Of Formation For The Broadway/MacArthur/San
Pablo Redevelopment Project Area Committee To Designate The Artisan Walk Home Owners
Association As A Community Organization Represented On The Project Area Committee
[09-1521-1](#)

**Scheduled to *Community & Economic Development Committee on
6/22/2010**
[82870 CMS.pdf](#)

S-4-19 Subject: First Amendment To The Joint Exercise Of Powers Agreement
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing A First Amendment
To Joint Exercise Of Powers Agreement Between The Redevelopment Agency
And The State Of California To Facilitate The Possible Sale Of The Elihu M.
Harris Oakland State Building
[09-1522](#)

***Withdrawn with No New Date**
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[2010-0086 CMS.pdf](#)

S-4-20 Subject: Mortgage Assistance Loans
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Appropriating \$122,000 In Revenue From
Application Fees From Homebuyers Applying For Mortgage Assistance Loans And
Authorizing The Appropriation Of Future Loan Fees For Program And Operational
Expenses
[09-1524](#)

**Scheduled to *Community & Economic Development Committee on
6/22/2010**
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[82871 CMS.pdf](#)

S-4-21 Subject: Cityworks Maintenance Management System
From: Public Works Agency
Recommendation: Receive An Informational Report On The Cityworks
Maintenance Management System Used By The Public Works Agency To Track
Service Requests And Maintenance Activities
[09-1528](#)

Scheduled to *Public Works Committee on 7/13/2010

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S-4-22 Subject: Raiders Ticket Surcharge
From: Finance And Management Agency
Recommendation: Subject: 2009 Raiders Ticket Surcharge
Recommendation: A Request To Re-Schedule An Item Already On The The June
8, 2010 Finance And Management Committee Agenda To The June 22, 2010
Finance And Management Committee Agenda

A Resolution Increasing Estimated Revenue And Offsetting Expenditures From
The 2009 Raiders Ticket Surcharge And Authorizing A Transfer Of \$130,934
From The Non-Departmental Citywide Activities Budget To The Office Of Parks
And Recreation Budget To Benefit Citywide Youth Activities

[09-1429](#)

***Rescheduled to *Finance & Management Committee on 6/22/2010**

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[82864 CMS.pdf](#)

S-4-23 Subject: Amending The Salary Schedule
From: Department Of Human Resource Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of
Ordinance Number 12187 C.M.S. (The Salary Ordinance) To: Add The Permanent
Part Time (PPT) And Part Time (PT) Equivalent Classifications Of: Case Manager,
Supervising, PPT; Case Manager, Supervising, PT; Case Manager II, PPT; Case
Manager II, PT; Case Manager I, PT

[09-1513](#)

Scheduled to *Finance & Management Committee on 6/8/2010

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S-4-24 Subject: Parking Access And Revenue Control Systems (PARCS)
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Contract Between The City Of Oakland And Scheidt And Bachmann USA, Inc. To Provide A Parking Access And Revenue Control Systems(PARCS) Not To Exceed \$2,500,000
[09-1525](#)

Scheduled to *Finance & Management Committee on 6/22/2010

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- [82946 CMS.pdf](#)

Requests submitted on the Dias

Subject: Medical Cannabis - Permitted Dispensaries Increase
From: Councilmembers Kaplan And Reid
Recommendation: Adopt An Ordinance Amending oakland Municipal Code Section 5.80 To Increase The Number Of Permitted Dispensaries And Include Permitting A Limited Number Of Medical Cannabis Grows As A Business Permit Through The City Administrator's Office
[09-1551](#)

***Rescheduled to *Public Safety Committee on 6/22/2010**

Additional Changes made Dias to the June 1, 2010 Agenda

Subject: Manufacturing Medical Cannabis
From: Councilmembers Reid and Kaplan
Recommendation: Adopt An Interim Ordinance Of The City Of Oakland Adopted As An Urgency Measure Pursuant To California Government Code Section 65858 Making Findings And Establishing A Temporary Moratorium On The Establishment Of Any New Activity Or Facility Cultivating And/Or Manufacturing Medical Cannabis
[09-1482](#)

This item was withdrawn from the June 1, 2010 agenda with no new date for return

[View Report.pdf](#)

Subject: Tui Ko V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Tui Ko, In The Amount Of \$5,358.09, As A Result Of Property Damage Sustained In An Automobile Collision On December 09, 2009 (Public Works Agency)
[09-1505](#)

This item was withdrawn from the June 1, 2010 agenda with no new date for return

[View Report.pdf](#)

Subject: Design Review For A Telecommunications Facility
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal (A10-055), And Upholding The Planning Commission Decision To Approve A Regular Design Review At 1001 42nd Street To Establish A Mini Telecom Facility (Telecommunication Civic Activity).

09-1306

This item was withdrawn from the June 1, 2010 agenda and rescheduled June 15, 2010 City Council agenda as a Public Hearing

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Subject: Honorarium - Dominguita Velasco
From: Councilmember De La Fuente
Recommendation: Adopt A Resolution In Recognition Of Dominguita Velasco's 109th Birthday And Her 90 Years Of Community Activism In The City Of Oakland

09-1504

This item will be moved from the Consent Calendar to Ceremonial

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[82781 CMS.pdf](#)

- 5 A review of the Council Committees' actions from May 25, 2010 and determination of scheduling to the ORA/City Council meeting of June 1, 2010 (MATRIX)
A motion was made by Member Quan, seconded by Member De La Fuente, to Accepted as Amended. The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

[527item5](#)

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- 6 A review of the Agendas for the Council Committees for the meeting(s) of June 8, 2010 and Rules and Legislation Committee meeting of June 10, 2010
A motion was made by Member Quan, seconded by Member De La Fuente, to Accepted. The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente

[527item6](#)

[View Report.pdf](#)

7 Subject: Councilmember Travel And Accomodation Expenses
From: Councilmember Kernighan
Recommendation: Adopt A Resolution Requiring A Statement In The Agenda Report Disclosing Source Of Funding For Councilmember Travel And Accomodation Expenses For Which City Council Approval Is Sought; And If City Funds Are To Be Used, The Projected Amount Thereof
[09-1462](#)

***Approve as Amended the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/1/2010**

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[82800 CMS.pdf](#)

8 Subject: Assembly Bill 781 - Bilingual Services
From: Councilmembers De La Fuente and Kernighan, Vice Mayor Quan
Recommendation Adopt A Resolution In Opposition Of Assembly Bill 781, As Amended (JEFFERIES), "Bilingual Services" Which Would Effect Statutory Changes Relating To Bilingual Hiring Requirements In Local Agencies
[09-1487](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/1/2010**

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[82846 CMS.pdf](#)

9 Subject: Senate Bill 1100 And Assembly Bills 1343, 2193,2176 and 2398
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution To Support California Senate Bill (SB)1100 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Household Batteries They Sell In California After Their Useful Life
[09-1445-1](#)

A motion was made by Member De La Fuente, seconded by Member Quan, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 1, 2010 as a Consent Calendar item The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente
[View Report.pdf](#)
[82801 CMS.pdf](#)

2) Adopt A Resolution To Support California Assembly Bill (AB)1343 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Architectural Paint They Sell In California After Its Useful Life
[09-1446](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/1/2010 as a Consent Calendar item**

[82802 CMS.pdf](#)

3) Adopt A Resolution To Support California Assembly Bill 2139 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose of Household Medical Needles, Household Pesticides, And Household Single-Use Butane Containers They Sell In California After Their Useful Life
[09-1447](#)

A motion was made by Member De La Fuente, seconded by Member Quan, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 1, 2010 as a Consent Calendar item The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente
[82803 CMS.pdf](#)

4) Adopt A Resolution In Support Of California Assembly Bill (AB) 2176 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Mercury-Containing Lamps They Sell In California After Their Useful Life
[09-1448](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/1/2010**
[82804 CMS.pdf](#)

5) Adopt A Resolution To Support California Assembly Bill (AB) 2398 Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Carpet They Sell In California After Its Useful Life
[09-1449](#)

A motion was made by Member De La Fuente, seconded by Member Quan, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 1, 2010 as a Consent Calendar item The motion carried by the following vote:

Votes: Excused; 1 - Chair Brunner

Aye; 3 - Member Quan, Member Reid and Member De La Fuente
[82805 CMS.pdf](#)

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:p.m.

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