



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, June 24, 2010

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Absent: Member Reid

Present: Member Quan, Chair Brunner and Member De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 11:09 am, with Councilmember Brunner presiding as Chairperson.

1 **Closed Session**

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: Absent; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

2 **Approval of the Draft Minutes from the Committee meeting of June 10, 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: Absent; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

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

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

Votes: Absent; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

4 **Scheduling of Agenda Items and revisions to the agenda(s) for the (ORA/City Council meeting June 29, 2010 (SUPPLEMENTAL)**

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

Votes: Absent; 1 - Member Reid

Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[624item4](#)

[View Report.pdf](#)

S-4-1 Subject: Agreements With The Maritime Exchange
From: Oakland Fire Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) Resolution Authorizing The City Administrator Or His Designee To: 1. Enter Into A Port Security Grant Program ("PSGP") Grant Administration Agreement With The Maritime Exchange Of The San Francisco Bay Region For Fiscal Year 2008 PSGP Grant Funds In The Amount Up To Nine Hundred Forty Four Thousand Nine Hundred And Forty Two Dollars (\$944,942); And 2. Accept, Appropriate And Administer The Fiscal Year 2008 PSGP Grant Allocation; And 3. Approve The Preliminary Spending Plan; And 4. Expend Funds In Accordance With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases Approved In The Federally Authorized Equipment List, Provided City Competitive Solicitation And Purchasing Programs/Policies Are Followed;

[09-1613](#)

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

[View Report.pdf](#)
[82930 CMS.pdf](#)

S-4-2 Subject: User Fee Ordinance
From: Oakland Fire Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) An Ordinance Adding Title 8, Health And Safety, Chapter 8.56, Emergency Response Services Fees Program, To The Oakland Municipal Code To Establish And Implement A Program To Charge User Fees For The Emergency response Services Rendered By The City Of Oakland In Connection With Motor Vehicle Accidents Caused By Any And All Non-Resident Drivers Deemed To Be At-Fault And Any And All Criminally Negligent Drivers, Regardless Of Residence, And Amending The Master Fee Schedule To Include The New User Fees; And

[09-1614](#)

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

[View Report.pdf](#)
[View Report.pdf](#)
[13029 CMS.pdf](#)

S-4-3 Subject: 2010 Mayor Recess Agenda Authorized Actions
From: Office of the City Administrator
Recommendation: Adopt A Resolution Authorizing The City/Agency Administrator To Make Grant Awards, Accept Grant Funds And Take Action On Procurement Of Certain Supplies, Construction Labor And Materials Exceeding \$500,000.00 And Professional Services Contracts Exceeding \$300,000.00 During The City Council Annual Recess Of 2010 As Follows:

1. A Resolution Awarding A Construction Contract To Mosto Construction, Inc. For The Rehabilitation Of Sanitary Sewers At Easement In Oak Knoll From Sage Road To Saint Andrews Road (Project No. C329112) In Accord With Plans And Specification For The Project And Contractor's Bid In The Amount Of Three Hundred Forty-Six Thousand Seven Dollars (\$346,007.00);

2. A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Installation Of The Lake Merritt Bird Islands Restoration Project, (Project No. G323110) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$800,000.00 Without Return To Council;

3. A Resolution Awarding A Construction Contract To The Lowest Responsible, Responsive Bidder, For The Rehabilitation Of The Adeline Street Overhead Project, (Project Number C319710) Or To Negotiate With The Lowest Bidder If Bids Are Deemed Non-Responsive Or Non-Responsible, In Accord With The Plans And Specifications In An Amount Not-To-Exceed \$1,107,000.00 Without Return To Council; And

A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Seventy-Six Thousand Three Hundred Fifty Dollars (\$1,076,350.00) Of Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) Grant Funds Under The California Department Of Transportation Bridge Preventive Maintenance Program (BPMP) For The Rehabilitation Of The Adeline Street Overhead, Between West Oakland, Interstate 880 And The Port Of Oakland, City Project No. C319710;

4. A Resolution Authorizing The City Administrator Or His Designee To Enter Into A Utility Agreement With The State Of California Department Of Transportation For Relocation Of Sanitary Pipes High Street And To Accept And Appropriate Funds From Caltrans Under Utility Agreement No. 1382, In An Amount Of Approximately Three Hundred Thousand Dollars (\$300,000.00); And

A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For New Grant Opportunities, And To Accept Funds From Grants Awarded To The City of Oakland From The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package") During The City Council's 2010 Annual Recess; On The July 13, 2010 Finance And Management Committee Agenda

[09-1616](#)

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

[View Report.pdf](#)

[82909 CMS.pdf](#)

S-4-4 Subject: Support Of Assembly Bill 1532
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution In Support Of Amended Assembly Bill 1532 Authored By Assembly Member Lieu, Which Adds A Separate Section To The Existing California Penal Code's Definition Of A Code Enforcement Officer, By Establishing A Free-Standing Definition For Code Enforcement Officers That Can Be Used By Any Local Jurisdiction In Their Application For Code Enforcement Funding

[09-1576](#)

***Rescheduled to *Rules & Legislation Committee on 7/8/2010**

[View Report.pdf](#)

[View Report.pdf](#)

[82897 CMS.pdf](#)

S-4-5 Subject: Ballot Measure 2010 - Measure Y Funding
From: Vice Mayor Quan
Recommendation: Discussion and Possible Action On A Report On A Ballot Measure For Fall 2010 To Modify Measure Y To Allow The Continuation Of Funding For 63 Police Officers, Fire Department Staffing, And Violence Prevention Programs

[09-1600](#)

***Withdrawn with No New Date**

Council will discuss at June 24, 2010 Special Budget Meeting

[View Report.pdf](#)

[View Report.pdf](#)

[View Supplemental..pdf](#)

[82951 CMS.pdf](#)

S-4-6 Subject: Soft Story Seismic Screening Program
From: Councilmember Nadel and Vice Mayor Quan
Recommendation: Report and Recommendation On The Implementation Of Municipal Code Chapter 15.26 Requiring A Phase 1 Seismic Screening Of Residential Buildings

[09-1610](#)

Scheduled to *Community & Economic Development Committee on 9/14/2010

[View Report.pdf](#)

S-4-7 Subject: Review Of Existing Contracts In Arizona
From: Council President Brunner
Recommendation: Receive A Status Report On The Review Of Existing Contracts
With Companies Headquartered In Arizona And Opportunities To Discontinue
Those Contracts
[09-1612](#)
Scheduled to *Finance & Management Committee on 7/27/2010
[View Report.pdf](#)

S-4-8 Subject: Hiring Freeze Exemptions
From: Department Of Human Resource Management
Recommendation: Receive A Quarterly Report On Appointments To Positions In
The General Purpose Fund (GPF) Exempted From The Hiring Freeze And A Status
Update On Positions Vacated Under The 2009 CalPERS Two Years Additional
Service Credit Retirement Incentive Program ("Golden Handshake")
[09-1602](#)
Scheduled to *Finance & Management Committee on 7/13/2010
[View Report.pdf](#)

S-4-9 Subject: George P. Scotlan Memorial Convention Center - Repairs
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing Allocation Of
Agency Funds In An Amount Of Up To \$4,000,000 For Necessary Capital
Improvements, Repairs And Rehabilitation To The George P. Scotlan Memorial
Convention Center, And Authorizing The Agency Administrator To Negotiate And
Execute An Amendment To The Management Agreement With Integrated Services
Corporation To Include Construction Management For The \$4,000,000 In Capital
Improvements, Including Up To \$153,000 For Management Fees
[09-1603](#)
**Scheduled to *Community & Economic Development Committee on
7/13/2010**
[View Report.pdf](#)
[2010-0099 CMS.pdf](#)

S-4-10 Subject: S-4 Design Review Combining Zone
From: Community And Economic Development Committee Agenda
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An
Emergency Ordinance, Pursuant To Charter Section 213, To Take Effect
Immediately Upon Introduction And Adoption, Which Extends Interim Controls
Established Under Ordinance No. 12885 C.M.S. And No. 12852 C.M.S. For An
Additional Two Years Or Until The City Council Adopts Permanent Regulations,
Applying The S-4 Design Review Combining Zone Which Requires New Or
Rehabilitated Building Facilities To Follow Established Design Review
Procedures, To:

A) Those C-10, C-30, C-35 And C-40 Zoned Areas Which A Designated In The
General Plan As Neighborhood)Center Commercial, Community Commercial, Ok
Urban Residential; And

B) Upper Broadway - From Hawthorne Avenue To Interstate 580, And From 38th
Street To College Avenue, And To The Community Commercial General Plan
Areas Northeast Of The Intersection Of Broadway And Pleasant Valley To View
Place

[09-1605](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/20/2010**

[View Report.pdf](#)

[13030 CMS.pdf](#)

2) An Emergency Ordinance, Pursuant To Charter Section 213, Re-Establishing Interim
Controls Originally Adopted Under Ordinance No. 12852 C.M.S. For An Additional Two
Years Or Until The City Council Adopts Permanent Regulations, Applying The S-4 Design
Review Combining Zone Which Requires New Or Rehabilitated Building Facilities To Follow
Established Design Review Procedures, To Broadway - From Hawthorne Avenue And A
Portion Of Brook Street To Interstate 580, And From 38th Street To College Avenue, And To
The Community Commercial General Plan Areas Northeast Of The Intersection Of Broadway
And Pleasant Valley To View Place, To Take Effect Immediately Upon Introduction And
Adoption

[09-1605-1](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/20/2010**

S-4-11 Subject: Regulations On Laundromats
From: Community And Economic Development Agency
Recommendation: Adopt An Ordinance Amending The Planning Code (Title 17)
To Impose Regulations On Laundromats. In Addition, To Improve Consistency
Among Chapters, Chapters 17.58, 17.73, 17.86, And 17.98 Are Being Revised To
Include The Standard "Other Zoning Provisions" Section
[09-1606](#)

**Scheduled to *Community & Economic Development Committee on
7/27/2010**

Public Hearing for September 7, 2010 was withdrawn with no new date.

[View Report.pdf](#)

[View Reports.pdf](#)

[View Report.pdf](#)

S-4-12 Subject: Downtown Education Complex - Reconstruction
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) - A Resolution Adopting Findings And Setting A Hearing To Receive
Supporting Evidence And Public Comments; And 2) An Ordinance Conditionally
Abandoning A Portion Of A Public Utility Easement And A Sanitary Sewer Main
Adjoining East 11th Street and 3rd Avenue To Facilitate Reconstruction Of The
Downtown Education Complex By The Oakland Unified School District
[09-1607](#)

Scheduled to *Public Works Committee on 7/27/2010

Public Hearing scheduled for September 7, 2010 has been withdrawn

[View Report.pdf](#)

2) An Ordinance Conditionally Abandoning A Portion Of A Public Utilities Easement And A
Sanitary Sewer Main Adjoining East 11th Street and 3rd Avenue To Facilitate Reconstruction
Of The Downtown Education Complex By the Oakland Unified School District
[09-1607-1](#)

Scheduled to *Public Works Committee on 7/27/2010

S-4-13 Subject: City Center Project
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing The Agency To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To (1) Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each: And (2) Accept Payment Of \$300,000 From Oakland T12 LLC To The Agency For The Initial Extension, And Payments Of \$300,000 And \$400,000, Respectively, For Each Additional 12-Month Option To Extend To Complete The Office Development

[09-1609](#)

Scheduled to *Community & Economic Development Committee on 7/27/2010

Public Hearing scheduled for September 7, 2010 was withdrawn with no new date.

[View Report.pdf](#)

[2010-0106 CMS.pdf](#)

2) An Ordinance Authorizing The City Of Oakland To Enter Into A Thirteenth Amendment To The Disposition And Development Agreement With Oakland T12 LLC, Regarding The City Center Project To Extend The Date To Complete An Office Development On Block T-12 Of The City Center Project By 36 Months Changing It From April 12, 2012 To April 12, 2015, With Two Additional Extension Options Of 12 Months Each

[09-1609-1](#)

Scheduled to *Community & Economic Development Committee on 7/27/2010

S-4-14 Subject: Conditional Use Permit - 1331 Harrison Street
From: Community And Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Alternative Resolutions:

1) A Resolution Approving A Conditional Use Permit And Variance For A Temporary Surface Parking Lot At 1331 Harrison Street; Or

[09-1611](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

[View Report.pdf](#)

[82943 CMS.pdf](#)

2) A Resolution Denying A Conditional Use Permit And Variance For A Temporary Surface Parking Lot At 1331 Harrison Street.
[09-1611-1](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010

S-4-15 Subject: Recovery Zone Bond Issuance
From: Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Revised Resolution Approving The Application Of The City's Recovery Zone Economic Development Bond Issuance Authority Initial Allocations To The Macarthur Transit Village Within The Redevelopment Agency Of The City Of Oakland Broadway/Macarthur/San Pablo Redevelopment Project Area And The Obligations To Be Issued With Respect Thereto; And
[09-1615](#)

Scheduled to *Community & Economic Development Committee on 7/13/2010

item also scheduled to the July 13, 2010 CEDA Committee. Staff directed to separate reports Bonds - FMC and Redevelopment to CEDA.

[View Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Report.pdf](#)
[82953 CMS.pdf](#)

2) Resolution Determining To Apply The City's Recovery Zone Facility Bond Issuance Authority To A Retail Grocery Outlet To Be Constructed And Operated By The Kroger Co. And The Obligations To Be Issued With Respect Thereto And Making Certain Other Determinations And Declaring Intent To Issue Such Obligations; And
[09-1615-1](#)

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

[82916 CMS.pdf](#)

3) Resolution Approving The Application Of The City's Qualified Energy Conservation Bond Issuance Authority Initial Allocation Of \$4,165,214.52 And Any Additional Allocations To The City Of Oakland Downtown Energy Efficiency Streetlight Project
[09-1615-2](#)

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

[82917 CMS.pdf](#)

Requests submitted on Dias

- 5 A review of the Council Committees' actions from June 22, 2010 determination of filing to the ORA/City Council meeting of June 29, 2010 (MATRIX)
A motion was made by Member Quan, seconded by Member De La Fuente, to *Approve as Submitted. The motion carried by the following vote:
Votes: Absent; 1 - Member Reid
Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[624item5](#)

[View Report.pdf](#)

- 6 A review of the Agendas for the Council Committee meeting(s) of July 6, 2010 and Rules and Legislation Committee meeting of July 8, 2010
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: Absent; 1 - Member Reid
Aye; 3 - Member Quan, Chair Brunner and Member De La Fuente

[624item6](#)

[View Report.pdf](#)

- 7 Subject: City's Federal Legislative Lobbyist - Polsinelli Shugart
From: Office of the City Administrator
Recommendation: Adopt A Resolution Waiving The Request For Proposal/Qualifications Process And Authorizing An Extension Of The 2009 Agreement With Polsinelli Shugart To Serve As The City's Federal Legislative Lobbyist For The Period Of January 1, 2010 Through June 30, 2010, At A Cost Of Sixty Three Thousand Dollars (\$63,000) For The Six Month Extension.
[09-1433](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/6/2010**

[View Report.pdf](#)

[82875 CMS.pdf](#)

8 Subject: The Limited Public Financing Act - Amendments
 From: Public Ethics Commission
 Recommendation: Adopt An Ordinance Amending Chapter 3.13 Of The Oakland Municipal Code (Aka "The Limited Public Financing Act Of The City Of Oakland") To 1) Limit Eligibility To Candidates For District City Council; 2) Provide That Public Financing Be Limited To The Reimbursement Of Specified Campaign Expenditures; 3) Limit Candidates From Making Contributions Or Loans From Personal Funds To Ten Percent Of The Voluntary Expenditure Ceiling; 4) Require Candidates To Raise In Local Contributions An Amount Equal To Three Percent Of The Voluntary Expenditure Ceiling; 5) Permit Candidates To Appeal To The Public Ethics Commission Any Request For Reimbursement; And 6) Require Candidates To Repay The Election Campaign Fund From Any Surplus Campaign Funds In An Amount Not To Exceed The Percentage That Public Financing Represents Of Total Contributions Received
 09-1500

[View Report.pdf](#)
[View Report.pdf](#)
[13031 CMS.pdf](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

*The following individuall spoke under Open Forum:
- Sanjiv Handa*

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:15 p.m.

* 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.

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
Fax: (510) 238-6699
Recorded Agenda: (510) 238-2386
Telecommunications Display Device: (510) 839-6451
[TDD](#)

City Clerk and Clerk of the Council