



# 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>**

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**Thursday, July 16, 2009**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

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*The Oakland City Council Rules and Legislation Committee convened at 11:19 AM with Council President Brunner presiding as Chairperson.*

### COMMITTEE MEMBERSHIP:

Excused: Member Quan

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

#### 1 Closed Session

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*The office of the City Attorney scheduled a Closed Session for Tuesday, July 21, 2009 from 3 PM to 6 PM*

#### 2 Approval of the Draft Minutes from the Committee meeting of July 2, 2009

[Play Video](#)

*There was no action necessary for this item*

#### 3 Determination of Schedule of Outstanding Committee Items

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**\*Approve as Submitted**

[07-16 Rules Pending](#)

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### NO VOTES WERE TAKEN ON THE PREVIOUS ITEMS AND THE MEETING WAS ADJOURNED AT 11:23 AM DUE TO LACK OF QUORUM

#### 4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of July 21, 2009 (SUPPLEMENTAL)

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[07-16 Rules Item 4](#)

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- S-4-1      Subject:      Criminal History Access  
From:          Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Approve The Fire Chief And/Or His Designated Representative To Access Summary Criminal History Information Of Oakland Fire Department Sworn Personnel For Emergency Medical Technician Licensing And Certification Purposes As Required By Adoption Of Assembly Bill 2917 (Torrico) During The 2007-2008 Session, Which Amended Sections Of The Health And Safety Code Regarding Emergency Medical Services Personnel  
[09-0678](#)
- S-4-2      Subject:      Additional Balancing Measures  
From:          The Budget Office  
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2009-2011 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 82102 C.M.S., To Approve Measures (1) Addressing Potentially Lower Than Originally Anticipated Community Oriented Policing Services (COPS) Grant Award, (2) Planning For Possible Return To The Measure Y Fund, Established By The Violence Prevention And Public Safety Act Of 2004, Of Certain Training And Recruitment Costs, And (3) Implementing Budget Reduction Targets Established For The Oakland Police Department (TITLE CHANGE)  
[09-0663](#)  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)  
[82235 CMS.pdf](#)
- S-4-3      Subject:      General Purpose Fund Encumbrances & Carryforwards  
From:          The Budget Office  
Recommendation: Receive The Annual Report On General Purpose Fund Encumbrances And Carryforwards From Fiscal Year 2008 - 2009 To Fiscal Year 2009 - 2010  
[09-0666](#)  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)
- S-4-4      Subject:      2009 National Night Out  
From:          Office of the City Administrator  
Recommendation: Adopt A Resolution Declaring Tuesday, August 4, 2009, As National Night Out In Oakland, And Recognizing The Neighborhood Services Division For Its Outstanding Work In Organizing This Successful Citywide Event  
[09-0673](#)  
[View Report.pdf](#)  
[82243 CMS.pdf](#)

- S-4-5      Subject:    American Recovery And Reinvestment Act Grant Applications  
From:        Office of the City Administrator  
Recommendation: Receive An Informational Report On Possible American Recovery And Reinvestment Act Grant Applications That The City May Submit Or Support During Council Recess, Including The Broadband Technology Opportunities Program, Green Jobs Training, And State Energy Efficiency And Conservation  
[09-0680](#)  
[View Report.pdf](#)
- S-4-6      Subject:    Measure Y Audit  
From:        Office of the City Auditor  
Recommendation: Receive The Performance Audit Of The City's Grant Selection, Management, Monitoring And Evaluation For The Measure Y Violence Prevention Program  
[09-0669](#)  
[View Report.pdf](#)
- S-4-7      Subject:    Whistleblower Program Report  
From:        Office of the City Auditor  
Recommendation: Receive An Informational Report To City Council On The City Auditor's Whistleblower Program  
[09-0670](#)  
[View Report.pdf](#)
- S-4-8      Subject:    Public Works Agency Audit  
From:        Office of the City Auditor  
Recommendation: Receive The Performance Audit Of The Public Works Agency  
[09-0671](#)
- S-4-9      Subject:    City Of Oakland - Official Cocktail  
From:        Councilmember Rebecca Kaplan  
Recommendation: Adopt A Resolution To Designate The Mai Tai As The Official Cocktail Of The City Of Oakland; On The July 28, 2009 City Council Agenda  
[09-0667](#)
- S-4-10     Subject:    Children's Fund Planning And Oversight Committee - Appointment  
From:        Councilmember Rebecca Kaplan  
Recommendation: Adopt A Resolution Re-Appointing Maya Dillard Smith As A Member Of The Children's Fund Planning And Oversight Committee  
[09-0668](#)  
[View Report.pdf](#)  
[82244 CMS.pdf](#)

- S-4-11      Subject:      Security Pilot Program Report  
From:          Councilmember Larry Reid  
Recommendation: Receive An Informational Report From The Oakland Police Department Regarding The Security Pilot Program Including The Locations And Hours Of Implementation, The Number Of Community And Business Contacts, The Number Of Citations Issued, Number Of Arrests Made, Tangible And Intangible Impacts Of The Program, With Feedback From The Affected Business Owners, And A Statistical Comparison Of Violent Crime Based On The Same Time Last Year In The Impacted Areas; On The October 27, 2009 Public Safety Committee Agenda  
[09-0679](#)
- S-4-12      Subject:      Condominium Conversions  
From:          Councilmember Patricia Kernighan  
Recommendation: Adopt An Ordinance 1) Amending 16.36.070 As Follows: A) To Establish A Pilot Program Creating An Alternate Way For A Limited Number Of High Rent Apartments To Convert To Condominiums; B) To Facilitate Established And Qualified Tenancy In Common Properties To Convert To Condominiums; And C) To Clarify That Residential Rental Units That Were Constructed Or Created From Nonresidential Space Can Use The Conversion Rights They Generated To Convert Those Rental Units To Condominiums On A One For One Basis And 2) Amending The Master Fee Schedule To Increase Fees Relating To The Processing And Approval Of Condominium Conversions; On The September 29, 2009 Community And Economic Development Committee Agenda  
[09-0681](#)
- S-4-13      Subject:      Filling Golden Handshake Vacancies  
From:          Department of Human Resources Management  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Implement A Restricted Policy On Filling Positions Vacated As A Result Of Retirements Under The California Employees' Retirement System (CalPERS) Two Years Additional Service Credit Program ("Golden Handshake") In Order To Achieve The Level Of Savings Anticipated In The City Of Oakland Adopted Budget For Fiscal Years 2009-2011  
[09-0664](#)  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)  
[82236 CMS.pdf](#)

- S-4-14      Subject:      Oakland Police Officer's Association - Memorandum Of Understanding  
From:           Department Of Human Resources Management  
Recommendation: Adopt A Resolution Amending The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Officers' Association; On The July 28, 2009 City Council Agenda  
[09-0682](#)
- S-4-15      Subject:      Local 21 - Memorandum Of Understanding  
From:           Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers, Local 21, Representing Employees In Representation Units TA1, TF1, TM2, TW1, UH1, UM1 And UM2, Covering The Period From July 1, 2008 Through June 30, 2011  
[09-0683](#)  
[View Report.pdf](#)  
[82237 CMS.pdf](#)
- S-4-16      Subject:      Police Officer's Association Unit UN2 - MOU  
From:           Department Of Human Resources Management  
Recommendation: Adopt A Resolution Amending The Memorandum Of Understanding Between The City Of Oakland And The Oakland Police Officers' Association Unit UN2 Sworn Management Police Officers  
[09-0684](#)  
[View Report.pdf](#)  
[82238 CMS.pdf](#)
- S-4-17      Subject:      Deputy City Attorney V/Special Counsel Association Unit U41-MOU  
From:           Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The Deputy City Attorney V & Special Counsel Association Representing Employees In Representation Unit U41, Covering The Period From July 1, 2008 Through June 30, 2011  
[09-0685](#)  
[View Report.pdf](#)  
[82239 CMS.pdf](#)

S-4-18      Subject:      Local 21 Unit TM1 - Memorandum Of Understanding  
From:            Department of Human Resources Management  
Recommendation: Adopt A Resolution Approving The Memorandum Of Understanding Between The City Of Oakland And The International Federation Of Professional And Technical Engineers, Local 21, Deputy City Attorney I-IV Representing Employees In Representation Units TM1, Covering The Period From July 1, 2008 Through June 30, 2011  
[09-0686](#)  
[View Report.pdf](#)  
[82240 CMS.pdf](#)

S-4-19      Subject:      Central District Redevelopment Project Area Projects  
From:            Community and Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Authorizing A Contribution Of Redevelopment Agency Funds To The City Of Oakland Under The Cooperation Agreement In An Amount Not To Exceed \$908,000 For The Following Public Facility And Park Projects In The Central District Redevelopment Project Area: Jefferson Square Park, Lincoln Square Park, And Malonga Casquelourd Center For The Arts; And  
[09-0676](#)  
[View Report.pdf](#)

2) A City Resolution Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$908,000 For The Following Public Facility And Park Projects In The Central District Redevelopment Project Area: Jefferson Square Park, Lincoln Square Park, And Malonga Casquelourd Center For The Arts  
[09-0676-1](#)

S-4-20      Subject:      Rent Adjustment Program Report  
From:            Community and Economic Development Agency  
Recommendation: Receive The Annual Report Of The Rent Adjustment Program For Fiscal Year 2008-2009  
[09-0677](#)  
[View Report.pdf](#)

S-4-21      Subject:      Prioritization Of Underground Utility Projects  
From:            Public Works Agency  
Recommendation: Receive An Informational Report From The Public Works Agency Electrical Services Division On The Current Process For Prioritization Of Underground Utility Projects Within The City Of Oakland, With Discussion On The Current "First Come, First Served" Neighborhood Petition Procedure Process  
[09-0672](#)  
[View Report.pdf](#)

- S-4-22      Subject:      Street Tree Pruning Program  
From:          Public Works Agency  
Recommendation: Receive An Informational Report On The Pacific Gas And Electric's Comprehensive Tree Pruning Program For Trees Under High Voltage Power Lines  
[09-0674](#)  
[View Report.pdf](#)
- S-4-23      Subject:      Annual Fleet Report  
From:          Public Works Agency  
Recommendation: Receive The Annual Fleet Status Report; On The November 10, 2009 Finance And Management Committee Agenda  
[09-0675](#)
- S-4-24      Subject:      Delinquent Transient Occupancy Taxes - Public Hearing  
From:          Finance and Management Agency  
Recommendation: A Request To Withdraw From The September 22, 2009 City Council Agenda A Public Hearing On Assessment Of Liens For Delinquent Transient Occupancy Taxes; With No New Date  
  
Reason: Due To The Tax Amnesty Program, This Item Will Not Report Out In September  
[09-0072](#)
- S-4-25      Subject:      Delinquent Business Taxes - Public Hearing  
From:          Finance and Management Agency  
Recommendation: A Request To Withdraw From The September 22, 2009 City Council Agenda A Public Hearing On Assessment Of Liens For Delinquent Business Taxes; With No New Date  
  
Reason: Due To The Tax Amnesty Program, This Item Will Not Report Out In September  
[09-0074](#)

S-4-26      Subject:      Schedule Of Parking Fines Amendment  
From:          Finance and Management Agency  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code  
Sections 10.48.010 "Schedule Of Parking Fines" To Decrease The City Of Oakland  
Fine For California State Vehicle Code Section 22522 "Sidewalk Access Ramp  
Within Three (3) Feet" From \$320 (Three Hundred Twenty Dollars) To \$275 (Two  
Hundred Seventy-Five Dollars)  
[09-0645](#)  
[View Report.pdf](#)  
[12961 CMS.pdf](#)

- 5            A review of the Council Committees' actions from July 14, 2009 and determination of  
scheduling to the ORA/City Council meeting of July 21, 2009 or future dates (MATRIX)

[07-16 Rules Item 5](#)  
[View Report.pdf](#)

- 6            A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting  
of July 28, 2009 and the Rules and Legislation Committee for the meeting of July 30, 2009

[07-16 Rules Item 6](#)  
[View Report.pdf](#)

- 7            Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The  
American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus  
Package")

[09-0188](#)  
[View Report.pdf](#)  
[View Supplemental Report.pdf](#)

- 8            ~~Subject:      City Charter Section 910 Amendment~~  
~~From:          Councilmember Jean Quan~~  
~~Recommendation: Discussion And Action On A Report Regarding (1) A Potential Amendment~~  
~~To Oakland City Charter Section 910 That Would Eliminate Binding Arbitration As The Means~~  
~~To Resolve Disputes Between The City And Sworn Members Of The Oakland Police~~  
~~Department Regarding Wages, Hours And Other Terms And Conditions Of Employment That~~  
~~Are Not Resolved Through Negotiations; And (2) A Resolution Submitting On The Council's~~  
~~Own Motion, A Proposed Charter Amendment, Entitled, "Measure Eliminating The Current~~  
~~Requirement That An Arbitrator Resolve Disputes Between The City And Sworn Members Of~~  
~~The Oakland Police Department Regarding Wages, Hours And Other Terms And Conditions Of~~  
~~Employment That Are Not Resolved Through Negotiations," To Be Submitted To The Electors~~  
~~At The Next Municipal Election~~

~~[09-0597](#)~~  
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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

**Adjournment**

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Office of the City Clerk - Agenda Management Unit

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[TDD](#)

\* 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.

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*City Clerk and Clerk of the Council*