



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>

Thursday, May 31, 2007

10:30 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

The Oakland City Council Rules and Legislation Committee convened at 10:45 AM, with Council President De La Fuente presiding as Chairperson.

1 **Closed Session**

The office of the City Attorney scheduled a Closed Session for Tuesday, June 5, 2007 from 1:30 PM to 3:30 PM

2 **Approval of the Draft Minutes from the Committee meeting of May 17, 2007**

A motion was made by Vice Mayor Chang, seconded by Member Brunner, to *Approve the Minutes. The motion carried by the following vote:

Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

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

There was no action necessary for this item

[05-31 Rules Item 3](#)

[View Item.pdf](#)

4 **Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of June 5, 2007 (SUPPLEMENTAL)**

A motion was made by Vice Mayor Chang, seconded by Member Reid, to *Approve as Submitted. The motion carried by the following vote:

Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

S-4-1 Subject: Contra Costa Sheriff - Services Agreement
From: Oakland Police Department
Recommendation: A Request To Withdraw From The June 12, 2007 Public Safety Committee A Resolution Authorizing A Professional Services Agreement In An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000) With The County Of Contra Costa, Office Of The Sheriff, Forensic Services Division, For The Period January 1, 2007 To June 30, 2008, For Latent Print Comparison And Identification Services On Behalf Of The Police Department; And Reschedule To The June 26, 2007 Public Safety Committee

Reason: Additional time needed to complete contract negotiations.

[07-0176](#)

***Withdrawn and Rescheduled to *Public Safety Committee on 6/26/2007**

[View Report.pdf](#)

[80698 CMS.pdf](#)

S-4-2 Subject: City Slicker Farms
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution Authorizing The Office Of Parks And Recreation To Discuss And Develop An Agreement With City Slicker Farms For The Alternative/Nontraditional Use Of City Property As A Community Market Farm At Two Triangle-Shaped Plots Of City-Owned Land Located Within The Area Formed By The Intersections Of Haven, Fitzgerald, And Peralta Streets, At 34th Street

[07-0268](#)

Scheduled to *Life Enrichment Committee on 7/10/2007

[View Report.pdf](#)

[80752 CMS.pdf](#)

S-4-3 Subject: Intercity Rail Amtrak Platform Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution To Reallocate The Unspent Balance Of Agency Funds Remaining From The Design And Construction Of The Intercity Rail Amtrak Platform Project Towards Funding The Construction Of The PG&E Rule 20-B San Leandro Street Utility Underground Project In The Amount Of \$817,900; On The July 10, 1007 Community And Economic Development Committee Agenda

[07-0340](#)

Scheduled to *Community & Economic Development Committee on 7/10/2007

S-4-4 Subject: Jack London Gateway Shopping Center Project
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Amending Resolution No. 78127 C.M.S. To
Authorize The Conversion Of A \$2.1 Million Grant To Jack London Gateway
Associates For The Jack London Gateway Shopping Center Project At Ninth And
Market Streets To A No Interest Loan; On The July 10, 2007 Community And
Economic Development Committee Agenda
[07-0341](#)

**Scheduled to *Community & Economic Development Committee on
7/10/2007**

The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

S-4-5 Subject: Revocable And Conditional Permit - 1408 11th Avenue
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Granting Don Ho And Judy Chu A
Revocable And Conditional Permit To Allow A Vault And Electrical Transformer
For An Existing Building At 1408 11th Avenue To Encroach Under The Public
Sidewalk
[07-0353](#)

Scheduled to *Public Works Committee on 6/26/2007

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[80688 CMS.pdf](#)

S-4-6 Subject: Development Appeal - 5300 San Pablo Avenue
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A
Resolution Denying The Appeal And Upholding The Planning Commission's
Approval Of 32 Residential Condominium Over Ground Floor Commercial At 5300
San Pablo Avenue, Oakland (Case File Number DV06-220 & TPM-9153)
[07-0356](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 7/17/2007**

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[80792 CMS.pdf](#)

- S-4-7 Subject: Development Appeal - 4801 Shattuck Avenue
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:
- 1) A Resolution Denying The Appeal And Upholding The Planning Commission Approval For Case File Number CMDV06-425 & TPM-9235 (Construction Of 44 Dwelling Units At 4801 Shattuck Avenue); And
[07-0357](#)
- Continued to *Rules & Legislation Committee on 6/7/2007**
for scheduling with second piece of legislation
- [View Report.pdf](#)
[80791 CMS.pdf](#)
- S-4-8 Subject: Building Sewer Dangerous Condition
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) Resolution Confirming Administrative Hearing That Dangerous And Insanitary Conditions Exist At The Building Serving The Property Known As 4100 Terrace Avenue; And
[07-0343](#)
- Scheduled to *Public Works Committee on 7/10/2007**
[View Report.pdf](#)
[80731 CMS.pdf](#)
- S-4-9 Subject: Building Sewer Conditions In Oakland
From: Public Works Agency
Recommendation: Adopt A Resolution Confirming The Report Of Assessment For The Abatement Of Dangerous And Insanitary Building Sewer Conditions Throughout The City Of Oakland
[07-0344](#)
- Scheduled to *Finance & Management Committee on 7/10/2007**
[View Report.pdf](#)
[80746 CMS.pdf](#)

S-4-10 Subject: Underground Utility District No. 235 - Establishment
From: Public Works Agency
Recommendation: Adopt A Resolution Establishing Underground Utility District No. 235: Coliseum BART Station Area Underground Utility District Which Includes San Leandro Street, Between 66th And 73rd Avenues, And 73rd Avenue, Between San Leandro Street And The Inter-City Railway Station, To Be Funded Under California Public Utilities Commission (CPUC) Rule 20B And Pursuant To Ordinance No. 7769 C.M.S. And Authorizing The City Administrator To Pay PG&E One Million Nine Hundred Thousand Dollars (\$1,900,000) Up Front For The Construction Of The Project, As Well As Act As Trench Lead. And To Come Back To Council For Permission To Award Contract For Panel Conversion; On The July 10, 2007 Public Works Committee Agenda
[07-0345](#)

Scheduled to *Public Works Committee on 7/10/2007

S-4-11 Subject: Underground Utility District No. 235 - Intention
From: Public Works Agency
Recommendation: Adopt A Resolution Of Intention To Establish Underground Utility District No. 235: Coliseum Bart Station Area Underground Utility District Which Includes San Leandro Street, Between 66th And 73rd Avenues, And 73rd Avenue, Between San Leandro Street And The Inter-City Railway Station, To Be Funded Under California Public Utilities Commission (CPUC) Rule 20B; And To Set A Public Hearing For July 17, 2007; On The July 10, 2007 Public Works Committee Agenda
[07-0346](#)

Scheduled to *Public Works Committee on 7/10/2007

and as a Public Hearing on the July 17, 2007 City Council agenda

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[81001 CMS.pdf](#)

S-4-12 Subject: Tellus Venture Associates - Professionals Services Agreement
From: Finance and Management Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Tellus Venture Associates To Conduct A Thorough Wireless Broadband Assessment Process For The City Of Oakland For An Amount Not To Exceed \$150,000
[07-0347](#)

Scheduled to *Finance & Management Committee on 6/26/2007

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[80692 CMS.pdf](#)

S-4-13 Subject: Concentra Health Services Agreement
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing An Agreement Between The City And Concentra Health Services To Provide For A Period Of Two Years Occupational Medical Services For An Amount Not To Exceed \$500,000 Plus A 3% Contract Compliance Fee Equal To \$15,000.00 And To Provide Workers' Compensation Medical Services In Accordance With The Negotiated Discounts Below The State's Official Medical Fee Schedule And With Three (3) Options To Extend The Term Of The Contract Upon Acceptable Performance For Three (3) Additional Two-Year Periods In A Contract Amounts Not To Exceed \$500,000.00 For Fiscal Years 2009-2011, And The Same Amount For Fiscal Years 2011-2013 And Fiscal Years 2013-2015

[07-0349](#)

Scheduled to *Finance & Management Committee on 6/26/2007

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[80693 CMS.pdf](#)

S-4-14 Subject: Printing Equipment - Replacement
From: Finance and Management Agency
Recommendation: Adopt A Resolution Appropriating Two Hundred Fifty Thousand Dollars (\$250,000) From Reproduction Fund (4300) Fund Balance For The Purchase Of Replacement Printing Equipment

[07-0350](#)

Scheduled to *Finance & Management Committee on 6/26/2007

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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S-4-15 Subject: Sprint/Nextel Agreement
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Her Designee To 1) Waive The Request For Proposals Competitive Selection Process And Negotiate And Execute An Agreement With Sprint/Nextel Communications For The Replacement, Retuning, Upgrade And Modification Of The City's 800 Mhz Radio Equipment Per The FCC Rebanding Agreement; And

[07-0351](#)

Scheduled to *Public Safety Committee on 6/12/2007

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[80670 CMS.pdf](#)

S-4-16 Subject: Parking Ordinance Amendment
From: Finance and Management Agency
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code
Sections 10.36.010 "Parking Meter Defined," 10.36.020 "Parking Meter
Installation-Painting Of Lines," 10.36.030 "Deposit Of Coins - Amount Of Coins
Corresponds To Value Of Coins," 10.36.050 "Parking Meter Indication That Space
Is Illegally In Use," 10.48.010 "Scheduling Of Parking Fines" To Apply To
Pay-And-Display Parking Meters And Adding Section 10.36.015 "Acceptable Card
And Pay-And-Display Meter Defined"

[07-0352](#)

Scheduled to *Finance & Management Committee on 6/12/2007

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa

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[12813 CMS.pdf](#)

S-4-17 Subject: Berendo Solutions - Service Agreement
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1)
Waive The Competitive Bid Process For A Contract To Purchase Automated
Citation Software For Seventy-Five Thousand Dollars (\$75,000) For The Police
Department; 2) Award A Contract To Berendo Solutions, Inc. In An Amount Not To
Exceed Seventy-Five Thousand Dollars (\$75,000) For The Purchase Of Automated
Citation Software For The Police Department; 3) Waive The Local And Small Local
Business Enterprise Program Provision For Said Software Contract With Berendo
Solutions; 4) Enter Into A Contract For Service With A Vendor Yet To Be Selected
Through The Competitive Bid Process For The Purchase Of Hardware To Support
The Berendo Solutions, Inc. Software At A Cost Not To Exceed One Hundred And
Seventy-Five Thousand Dollars (\$175,000) On Behalf Of The Police Department;
And 5) Waive The Local And Small Local Business Enterprise Program Provision
For Said Hardware Contract

[07-0348](#)

Scheduled to *Public Safety Committee on 6/26/2007

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[80699 CMS.pdf](#)

S-4-18 Subject: State-Of-The-Art Oakland Education Complex
From: Office of the City Administrator
Recommendation: Receive An Informational Report On The Downtown Education
Complex
[07-0355](#)
Approved

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*
[View report.pdf](#)

ADDITIONAL ITEMS SUBMITTED ON THE DAIS

Subject: Skyline High School Tennis Team - Recognition
From: Vice Mayor Chang And Councilmember Quan
Recommendation: A Presentation By Vice Mayor Chang And Councilmember Jean Quan Of A
Proclamation Congratulating Skyline High School Tennis Team For Winning The Oakland
Athletic League Championship
[07-0361](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /
City Council on 6/5/2007**
[View Report.pdf](#)

Subject: Mural On Fruitvale Avenue
From: Council President De La Fuente
Recommendation: Adopt A Resolution From the Oakland City Council Supporting The
Installation Of A Mural On Fruitvale Avenue At The Highway 880 Overpass And Assuming
Responsibility For Its Maintenance And Upkeep
[07-0362](#)

Scheduled to *Public Works Committee on 6/12/2007
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[View Supplemental Report.pdf](#)
[80704 CMS.pdf](#)

Subject: Fiscal Accountability And Transparency
From: Councilmember Jean Quan
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Establishing Rules And Reporting Requirements To Enhance Fiscal Accountability And Transparency As Follows: (1) Policy And Rules Regarding Substantial Or Material Alteration Of Funding Allocations In A Policy Budget, And A Policy Regarding The Transfer Of Funds Budgeted To Personnel Accounts; (2) Policy And Rules For Pay-Go Account Expenditures And Grants And Project Priority Fund Expenditures And Grants; (3) Approved List Of Organizations For The Purchase Of Event Tables; And (4) Annual Reporting Of All City Of Oakland-Funded Travel Expenditures; And

[07-0363](#)

Scheduled to *Finance & Management Committee on 6/12/2007

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[80777 CMS.pdf](#)

2) An Agency Resolution Establishing Rules And Reporting Requirements To Enhance Fiscal Accountability And Transparency AS Follows: (1) Approved List Of Organizations For The Purchase Of Event Tables; And (2) Annual Reporting Of All City Of Oakland-Funded Travel Expenditures

[07-0363-1](#)

Scheduled to *Finance & Management Committee on 6/12/2007

[2007-0066 CMS.pdf](#)

Subject: Purchasing Ordinance Amendment
From: Office of the City Auditor
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 2.04 ("Purchasing Ordinance") To Add Section 2.04.____ Authorizing The City Auditor To Purchase Professional Services Necessary To Carry Out The Duties Of The Office

[07-0364](#)

Scheduled to *Finance & Management Committee on 6/12/2007

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[12820 CMS.pdf](#)

Subject: Strategy To Eliminate Exploitation Of Minors
From: Council President De La Fuente
Recommendation: Action On A Report Past Efforts And Current Strategy To Eliminate The Escalation Of Prostitution And Sexual Exploitation Of Minors In The City Of Oakland

[07-0365](#)

Scheduled to *Public Safety Committee on 7/10/2007

[View Report.pdf](#)

OTHER SCHEDULING CHANGES

Subject: Fox Theater Project
From: Community and Economic Development Agency
Recommendation: Receive An Informational Report On The City's Local Contracting And Hiring Goals For The Fox Theater Renovation Project Including The Hiring Status Of Local And Small Businesses And The Type And Use Of Any Assistance Programs Used On The Project For Businesses In Need Including, The Commitment To Hire Previously Incarcerated People
[07-0257](#)

***Withdrawn and Rescheduled to *Community & Economic Development Committee on 7/10/2007**
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[05-31 Rules Item 4](#)
[View Item.pdf](#)

- 5 A review of the Agendas for the Council Committees for the meeting(s) of June 12, 2007 and the Rules and Legislation Committee for the meeting of June 14, 2007
A motion was made by Vice Mayor Chang, seconded by Member Reid, to *Approve as Submitted. The motion carried by the following vote:
Votes: Aye; 4 - Vice Mayor Chang, Member Reid, Member Brunner and Chair De La Fuente

The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa

[05-31 Rules Item 5](#)
[View Item.pdf](#)

- 6 Subject: Lobbyist Registration Act Amendment
From: Public Ethics Commission
Recommendation: Adopt An Ordinance Amending Chapter 3.20 Of The Oakland Municipal Code To Require That Local Governmental Lobbyists Publicly Disclose Their Campaign Fundraising Activities
[07-0209](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/5/2007**

The following individual(s) spoke and did not indicate a position on this item:
- Sanjiv Handa
[View Item.pdf](#)
[12803 CMS.pdf](#)

7 Subject: Townsend Public Affairs - Report
 From: City Council
 Recommendation: Receive An Informational Report From The City's State Lobbyist, Townsend
 Public Affairs, On The Status Of The City's State Legislative Agenda
 [07-0308](#)

***Received and Forwarded to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 6/5/2007**

The following individual(s) spoke and did not indicate a position on this item:

- *Sanjiv Handa*

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

The following individual(s) 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 11:50
AM*

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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.

City Clerk and Clerk of the Council