



# 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>**

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**Thursday, April 14, 2011**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

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Present: Vice Mayor Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente

*The Oakland City Council Rules and Legislation Committee convened at 10:55a.m., with Council President Reid presiding as Chairperson.*

1 Closed Session

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**A motion was made by Member Schaaf, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente  
*There was no action necessary on this item.*

2 Approval of the Draft Minutes from the Committee meeting of March 31, 2011

*There are no minutes to approve as the March 31, 2011 Rules and Legislation Committee Meeting was cancelled.*

3 Determination of Schedule of Outstanding Committee Items

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**A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

4 Scheduling of Agenda Items

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**A motion was made by Vice Mayor Brooks, seconded by President Pro Tempore De La Fuente, to \*Approve with the following amendments. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente

[rules41411item4](#)

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S-4-1 Subject: Call For 2011 Special Election  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Adding Section 3.08.015 To Chapter 3.08 Of The Oakland Municipal Code, Entitled "Elections," To Authorize The City Council To Call A Special Municipal Election  
[10-0555](#)

**No Action Taken**

*There was one speaker on this item.*

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S-4-2 Subject: Third Quarter Revenue And Expenditures  
From: Office Of Budget  
Recommendation: Receive A Report On FY 2010-11 Third Quarter Revenue And Expenditure Results And Year-End Projections For Four Selected Funds - General Purpose Fund (1010), Landscape & Lighting Assessment District Fund (2310), Equipment Fund (4100) And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds  
[10-0573](#)

**Scheduled to \*Finance & Management Committee on 4/26/2011**

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S-4-3 Subject: Oakland Housing Authority Board Appointment  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Revising Resolution No. 82300 Appointing Greg Hartwig To The Oakland Housing Authority Board Of Commissioners To Reflect The Correct Term  
[10-0575](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**

*There was one speaker on this item.*

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S-4-4      Subject:      Support Of Senate Bill SB 729  
From:          Councilmember Rebecca Kaplan  
Recommendation: A Request To Re-Title And Schedule An Item:

NEW TITLE: Adopt A Resolution To Support Senate Bill 729 This Bill Would Prohibit A Mortgagee, Trustee, Beneficiary, Or Authorized Agent From Recording A Notice Of Default Unless That Party Makes Reasonable And Good Faith Efforts, Defined In Bill, To Evaluate The Borrower For All Available Loss Mitigation Options To Avoid Foreclosure.

OLD TITLE: Resolution To Support Senate Bills SB 729 (Leno/Steinberg) An Act To Amend Sections 2923.5 And 2924b Of, To Amend And Repeal Section 2924 Of And To Add Sections 2923.4, 2923.5, 2923.7, 2923.73, 2923.74 And 2923.75 To, The Civil Code To Prohibit A Mortgagee, Trustee, Beneficiary Or Authorized Agent From Recording A Notice Of Default Unless That Party Makes Reasonable And Good Faith Efforts To Evaluate The Borrower For All Available Loss Mitigation Options To Avoid Foreclosure; On The May 13, 2011 Rules And Legislation Committee Agenda

[10-0527](#)

**Scheduled to \*Rules & Legislation Committee on 4/28/2011**

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S-4-5      Subject:      Support Of Assembly Bill 1321  
From:          Councilmember Rebecca Kaplan  
Recommendation: A Request To Re-Title And Schedule An Item:

New Title: Adopt A Resolution To Support Assembly Bill 1321 (Wieckowski) - Mortgage Title Transparency. A Bill Mandating The Recording Of All Mortgage Deeds/Trusts And Assignments, And Payment Of The Requisite Fees. It Would Also Require That The Mortgage Note Be Filed Prior To Issuing A Notice Of Default To Ensure That The Foreclosing Party Has The Right To Foreclose.

Old Title: Adopt A Resolution To Support Assembly Bill 1321 (Wieckowski) An Act To Amend Section 2934 Of, And Add Sections 1214.5 And 2923.7 To, The Civil Code, And To Amend Section 27280 Of The Government Code, A Bill Prohibiting The Mortgagee, Trustee, Or Beneficiary Of A Property From Recording A Notice Of Default Until 45 Days After It Has Recorded The Mortgage Or Deed Of Trust And Any Assignment Of The Mortgage And Deed Of Trust ; On The April 28, 2011 Rules And Legislation Committee Agenda

[10-0528](#)

**Scheduled to \*Rules & Legislation Committee on 4/28/2011**

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S-4-6      Subject:      Support Of Assembly Bill SB 935  
From:          Councilmember Rebecca Kaplan  
Recommendation: A Request To Re-Title And Schedule An Item:

NEW TITLE: Adopt A Resolution To Support Assembly Bill 935 (Blumenfield) An Act To Amend Section 27360 Of The Government Code, Creating A Foreclosure Mitigation Charge Of \$20,000.00, That Must Be Deposited By A Mortgage Servicer Upon Filing A Notice Of Trustee's Sale With The County Recorder. The Monies Collected To Be Used To Create A Foreclosure Mitigation Fund To Be Distributed To Local Agencies For Specific Designated Uses.

OLD TITLE: Adopt A Resolution To Support Assembly Bill 935 And Act To Amend Section 27360 Of The Government Code, Relating To The Collection Of County Recorder Fees; On The April 28, 2011 Rules And Legislation Committee Agenda

[10-0529](#)

**Scheduled to \*Rules & Legislation Committee on 4/28/2011**

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S-4-7      Subject:      Chuck Harlins - Retirement  
From:          Council President Reid And Vice Mayor Brooks  
Recommendation: Adopt A Resolution Recognizing And Honoring Charles Keith (Chuck) Harlins For His Dedicated Service To The City Of Oakland Upon His Retirement After 24 Years

[10-0564](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**

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S-4-8      Subject:      Outlining Pension Cost Savings  
From:          Department Of Human Resources  
Recommendation: A Request To Withdraw And Re-Title An Item Already Scheduled To The April 26, 2011 Finance And Management Committee Agenda And Reschedule To The May 10, 2011 Finance And Management Committee Agenda

NEW TITLE: Receive An Informational Report From The City Of Oakland's Department Of Human Resources Management Outlining Potential Pension Rate Reductions Associated With Having A Two-Tier Retirement Plan

OLD TITLE: Receive An Informational Report From The City Of Oakland's Department Of Human Resource Management Agency Outlining Pension Cost Savings Associated With Having A Two-Tier Retirement Plan

[10-0333](#)

**Scheduled to \*Finance & Management Committee on 5/10/2011**

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S-4-9      Subject:      Measure B Funds  
From:          Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Measure B Funds In The Amount Of \$868,385 And Measure B Gap Grant Funds Up To \$170,000 From The Alameda County Transportation Commission (ACTC) For Fiscal Year 2011-2012 To Provide Paratransit Services; And Authorizing The City Administrator To Negotiate And Execute Reimbursement Contracts To Provide These Services In Amounts Not To Exceed: 1) \$380,000 To V.I.P. Express Transport, Inc., 2) \$200,000 To Friendly Transportation, Inc. DBA Friendly Transportation, Friendly Cab Company, Metro Yellow Cab Company And Yellow Cab Company, And 3) \$200,000 To Veterans Transportation, Inc. DBA Veterans Transportation And Veterans Cab Company; And Authorizing The City Administrator To Execute Amendments To The Contracts For Any Additional Amounts Received Under Measure B Without Returning To City Council

[10-0559](#)

**Scheduled to \*Life Enrichment Committee on 5/24/2011**

S-4-10      Subject:    Head Start Grants  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Head Start Basic, Head Start Training And Technical Assistance, Early Head Start Basic, And Early Head Start Training And Technical Assistance Grants For Program Year 2011-2012 From The U.S. Department Of Health And Human Services, Administration For Children And Families PHHS/ACF) In The Estimated Amount Of \$15,454,593 And Authorizing A Grant Agreement With The Unity Council For The Estimated Amount Of \$4,937,781 To Fund Child Development Services In Accord With Said Grants; And To Review And Approve Oakland Head Start/Early Head Start Governing Procedures Developed In Accordance With Head Start Legislation And Updated Annually

[10-0562](#)

**Scheduled to \*Life Enrichment Committee on 5/10/2011**

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S-4-11      Subject:    Multipurpose Senior Services Program Grants  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds In The Amount Of \$1,581,165.00, From The California Department Of Aging For The Multipurpose Senior Services Program (MSSP) For Fiscal Year 2011-2012; And Authorizing The City Administrator To Enter Into Contract Number MS-1011-01 With The California Department Of Aging For The Multipurpose Senior Services Program For Fiscal Year 2011-2012; And Authorizing The City Administrator To Accept, Appropriate And Allocate Any Additional Funding Received Without Returning To Council

[10-0563](#)

**Scheduled to \*Life Enrichment Committee on 5/24/2011**

S-4-12      Subject:    Child/Adult Care Food Program  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child Care Food Program (CCFP) Grant From The California Department Of Education In An Estimated Amount Of \$375,000 To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program For Program Year 2011-2012

[10-0566](#)

**Scheduled to \*Life Enrichment Committee on 5/10/2011**

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- S-4-13      Subject:      Preschool Expansion Grant  
From:           Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On  
Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate The  
California State Preschool Program Expansion Grant From The California  
Department Of Education In An Estimated Amount Of \$1,073,929 For Program  
Year 2011-2012, And Authorizing A Grant Agreement With The Unity Council  
For The Estimated Amount Of \$123,609 To Fund Prekindergarten And Family  
Literacy Services In Accord With Said Grants  
[10-0567](#)  
**Scheduled to \*Life Enrichment Committee on 5/10/2011**  
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- S-4-14      Subject:      National And Community Services Grant Funds  
From:           Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To  
Apply For, Accept And Appropriate Grant Funds From The Corporation For  
National And Community Services (CNCS) In The Amount Of \$329,801 For The  
Senior Companion Program (SCP) And Foster Grandparent Program (FGP) For  
The Fiscal Year 2011-2012  
[10-0568](#)  
**Scheduled to \*Life Enrichment Committee on 5/24/2011**
- S-4-15      Subject:      Oakland Senior Aides Program Funds  
From:           Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To  
Apply For And Accept Funds In The Estimated Amount Of \$1,294,896 From  
Senior Service America, Inc., For The City Of Oakland Senior Aides Program For  
Fiscal Year 2011-2012  
[10-0569](#)  
**Scheduled to \*Life Enrichment Committee on 5/24/2011**

S-4-16      Subject:      Frank G. Mar Project - Interest Rate Reduction  
From:            Community And Economic Development Agency  
Recommendation: A Request To Withdraw An Item Already Scheduled To The April 26, 2011 Community And Economic Development Committee Agenda And Reschedule To The May 10, 2011 Community And Economic Development Committee Agenda  
Adopt An Agency Resolution Amending Resolution No. 89-35 C.M.S. Authorizing A Loan To The East Bay Asian Local Development Corporation (Ebaldc) For The Frank G. Mar Project To Reduce The Interest Rate To 3%, Extend The Time For Repayment, And Convert The Loan Into A Surplus Cash Flow Loan  
Reason: Additional Time Needed For Internal Report Review And Approval  
[10-0486](#)  
**\*Withdrawn and Rescheduled to \*Community & Economic Development Committee on 5/10/2011**  
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S-4-17      Subject:      MacArthur Transit Village  
From:            Community And Economic Development Agency  
Recommendation: A Request To Re-Title An Item Already Scheduled To The May 10, 2011 Community And Economic Development Committee Agenda  
  
NEW TITLE: Conduct A Public Hearing And Upon Conclusion, Adopt A Resolution Approving The MacArthur Transit Village Stage Two (2) Final Development Plan Permit And Variances, As Recommended By The City Planning Commission, Which Would Allow For Development Of 90 Affordable Housing Units, As Part Of The MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant To City Council Resolution No. 81422 C.M.S. Condition Of Approval Number 27  
  
OLD TITLE:      Public Hearing And Upon Conclusion, Adopting A Resolution Approving The MacArthur Transit Village Stage Two (2) Final Development Plan Permit, As Recommended By The City Planning Commission, Which Would Allow For Development Of 90 Affordable Housing Units, As Part Of The MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant To City Council Resolution No. 81422 C.M.S. Condition Of Approval # 27  
  
REASON:      New Title Adds Words "And Variances" To Resolution Title, Which Were Inadvertently Omitted From Original Scheduling Request; As A Public Hearing On The May 17, 2011 City Council Agenda  
[10-0499](#)  
**Scheduled to \*Community & Economic Development Committee on 5/10/2011**  
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- S-4-18      Subject:      Pacific Renaissance Plaza Lawsuit Settlement  
From:            Community And Economic Development Agency  
Recommendation: A Request To Withdraw An Item Already Scheduled To The  
April 26, 2011 Community And Economic Development Committee Agenda;  
With No New Date
- Adopt A City Resolution Amending City Resolution No. 82505 C.M.S. And Adopt  
An Agency Resolution Amending Agency Resolution No. 2010-11 C.M.S.  
Authorizing Settlement Of The Pacific Renaissance Plaza Lawsuit To (1) Extend  
The Timeline For Repaying The City's Legal Costs By Twenty-Four Months, And  
(2) Modify Affordability Restrictions On Pacific Renaissance Units To Restrict  
Only The Initial Sale Of Units
- Reason: To Allow Time For Additional Staff Research And Preparation Of  
Alternative Recommendations  
[10-0503](#)
- \*Withdrawn with No New Date**
- 
- S-4-19      Subject:      Foothill Square Grocery Store Encroachment  
From:            Community And Economic Development Agency  
Recommendation: Adopt A Resolution Granting MacArthur Boulevard Associates  
A Revocable And Conditional Permit To Allow A Soil Shoring System To  
Encroach Under The Public Right-Of-Way Along Foothill Boulevard For  
Redevelopment Of The Foothill Square Shopping Center Featuring A New  
Grocery Store Located At 10790 MacArthur Boulevard  
[10-0570](#)
- Scheduled to \*Public Works Committee on 5/10/2011**  
*There was one speaker on this item.*  
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- 
- S-4-20      3)An Agency Resolution Authorizing The Agency Administrator To Sign The  
Ballots And To Pay The Assessments For The Four (4) Agency-Owned Properties  
On Which Assessments Are To Be Levied (APN 032-2115-037-01, APN  
025-0719-007-01, APN 025-0690-008-01,And APN 032-2084-051-00) In An  
Amount Not To Exceed A Cumulative Total Of \$62,501.06 Over A Ten Year  
Period To Support The Formation Of The Fruitvale Property Business  
Improvement District Of 2011  
[10-0571-2](#)
- Scheduled to \*Community & Economic Development Committee on  
5/10/2011**  
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S-4-21      Subject:    New Traffic Signals  
              From:        Public Works Agency  
              Recommendation: A Request To Withdraw An Item Previously Scheduled To The  
                          April 26, 2011 Public Works Committee Agenda

Receive An Informational Report On Criteria For Selecting Locations For New  
Traffic Signals

REASON: After Consulting With Public Works Committee Chair Nadel, Staff  
Requests To Withdraw Item And To Reschedule Item With A New Title At A  
Future Date.

[10-0250](#)

**\*Withdrawn with No New Date**

*There was one speaker on this item.*

S-4-22      5) A Resolution In Support Of Assembly Bill 818 (Blumenfield) - Solid Waste -  
Multifamily Dwelling "Renters Right To Recycle Act"  
[10-0558-4](#)

**Scheduled to \*Rules & Legislation Committee on 4/28/2011**

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S-4-23      Subject:    Countrywide Transportation Plan  
              From:        Public Works Agency  
              Recommendation: Adopt A Resolution Endorsing And Establishing Specific  
                          Programs And Projects As Oakland's Top Priorities For Funding In The 25-Year  
                          2012 Countywide Transportation Plan

[10-0565](#)

**Scheduled to \*Public Works Committee on 4/26/2011**

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S-4-24      Subject:    Oakland Army Base Audit Reports  
              From:        Finance And Management Agency  
              Recommendation: Receive An Informational Report Presenting Fiscal The Years  
                          2007, 2008, 2009, 2010 And The Close-Out Period (July 1, 2010 Through August  
                          7, 2010) The Oakland Army Base (The Base) Financial Statement Audit Reports

[10-0560](#)

**Scheduled to \*Finance & Management Committee on 5/10/2011**

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- S-4-25      Subject:    Worker's Compensation Report  
From:        Finance And Management Agency  
Recommendation: Receive An Informational Report Informational Report  
Regarding Workers' Compensation; On The June 14, 2011 Finance And  
Management Committee Agenda  
[10-0561](#)  
**Scheduled to \*Finance & Management Committee on 6/14/2011**
- S-4-26      Subject:    Proposed 2011-2013 Budget Meetings  
From:        Office Of The Council President  
Recommendation: Request To Approve The Preliminary Schedule Of Budget  
Meetings  
[10-0574](#)  
**Continued to \*Rules & Legislation Committee on 4/21/2011**  
*There was one speaker on this item.*  
  
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- S-4-27      Subject:    Affordable Housing Week  
From:        Councilmember Nadel  
Recommendation: Adopt A Resolution Proclaiming The Week Of May 6 To May  
15, 2011 To Be 15th Annual Affordable Housing Week  
[10-0572](#)  
**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 5/3/2011**  
*There was one speaker on this item.*  
  
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**REQUESTS SUBMITTED ON THE DIAS:**

- Subject:    Laurel Elementary School - 100 Years  
From:        Councilmember Schaaf  
Recommendation: Adopt A Resolution Commending Laurel Elementary School For 100 Years  
Of Service To The Children Of The City Of Oakland  
[10-0579](#)  
  
**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 5/3/2011**  
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Subject: Library Services  
From: Councilmember Schaaf  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into Agreements With The County And/Or Neighboring Municipalities To Provide Library Services To Residents Of The County And/Or Neighboring Municipalities, Upon A Reasonable Annual Compensation To Be Paid By The County And/Or Neighboring Municipality That Is Not Less Than Oakland's Total Per Capita General Fund And Library Parcel Tax (Measure Q) Appropriation For Library Services And Establishes Procedures For Terminating Library Privileges When Such A Contract Is Not In Effect  
[10-0578](#)

**Scheduled to \*Life Enrichment Committee on 5/24/2011**

- 5 A review of the Council Committees' actions from April 12, 2011 and determination of scheduling to future dates (MATRIX)

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**A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente  
*There was one speaker on this item.*

[rules41411item5](#)

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- 6 A review of the Agendas for the Council Committee meetings of April 26, 2011 and the Rules and Legislation Committee Meeting of April 28, 2011

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**A motion was made by President Pro Tempore De La Fuente, seconded by Member Schaaf, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente  
*There was one speaker on this item.*

[rules41411item6](#)

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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

Present: Vice Mayor Brooks, Member Schaaf, Member Reid and President Pro Tempore De La Fuente  
*There was one speaker during Open Forum.*

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:45a.m.*

NOTE:

Americans With Disabilities Act

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*City Clerk and Clerk of the Council*