



City of Oakland Meeting Agenda

*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, March 21, 2013

10:45 AM

City Council Chambers - 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call to Order

COMMITTEE MEMBERSHIP:

Dan Kalb, District 1; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Chairperson: Council President Pat Kernighan

- 1 Determinations of Closed Session
 - 2 Approval of the Draft Minutes from the Committee Meeting of March 7, 2013
 - 3 Determination of Schedule of Outstanding Committee Items
 - 4 Scheduling of Agenda Items and revisions to previously distributed 10 Day Agendas (SUPPLEMENTAL)
- S-4.1 Subject: Measure Y Oversight Committee Quarterly Report
From: Office Of The City Administrator
Recommendation: Receive A Second Quarterly Report From The Measure Y Oversight Committee (2013); On The May 14, 2013 Public Safety Committee Agenda
[\(12-0378\)](#)

- S-4.2 Subject: FY 2012-2013 First And Second Quarter R&E Report
From: Office Of The City Administrator
Recommendation: Receive The Fiscal Year 2012-2013 First And Second Quarter Revenue And Expenditure Report; On The April 9, 2013 Finance & Management Committee Agenda
[\(12-0379\)](#)
- S-4.3 Subject: PFRS Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System (PFRS) Investment Portfolio As Of December 31, 2012; On The April 9, 2013 Finance & Management Committee Agenda
[\(12-0380\)](#)
- S-4.4 Subject: Medical Subsidy For Sworn Fire Members
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Fixing The City's Contribution Under The Public Employer's Medical And Hospital Care Act, Only With Respect To Sworn Fire Unit Members; And Rescind Resolution No. 79454 C.M.S.; On The April 9, 2013 Finance & Management Committee Agenda
[\(12-0381\)](#)
- S-4.5 Subject: Use of City-Owned Facilities To Develop Broadband Infrastructure
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Direct Staff To Accept, Evaluate And Negotiate On An Ongoing Basis, Proposals From Private Companies Or Other Organizations To Use City-Owned Facilities To Develop Broadband Infrastructure. Any Agreements Reached Would Be Non-Exclusive, Compliant With City Policy And Subject To Approval By The City Council; On The April 9, 2013 Finance & Management Committee Agenda
[\(12-0383\)](#)
- S-4.6 Subject: Settlement Agreement - State Farm Insurance Company
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of State Farm Insurance A/S/O Michael Foster v. City Of Oakland, City Attorney's Claim No. C29446, In The Amount Of Seven Thousand Five Hundred Forty Six Dollars And Twenty Two Cents (\$7,546.22) (Public Works Agency - Sewers); On The April 16, 2013 City Council Agenda
[\(12-0361\)](#)
- S-4.7 Subject: Support For AB 187 - Tax On Firearm Ammunition
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Of The Oakland City Council (1) Expressing Support Of California Assembly Bill No. 187 ("AB 187"), Introduced By Assembly Member Rob Bonta On January 28, 2013, Which Will Institute A Sales Tax And Excise Tax On Firearm Ammunition Sold Or Possessed In The State Of California, With Revenues To Be Used To Support Public Safety Programs In High Crime Municipalities And (2) Authorizing The City Administrator, Or Her Designee, To Instruct The City's

Legislative Lobbyist To Support Passage Of California Assembly Bill No. 187; On The April 4, 2013 Rules & Legislation Committee Agenda
[\(12-0382\)](#)

S-4.8 Subject: Confer City Landmark Status On Two Properties
From: Department Of Building, Planning And Neighborhood Preservation
Recommendation: Adopt An Ordinance Designating 5654 Margarido Drive, The Morse House, And 1782 8th Street, The Shorey House, As Landmarks Pursuant To Section 17.136.070 Of The Oakland Planning Code; On The April 9, 2013 Community & Economic Development Committee Agenda
[\(12-0367\)](#)

S-4.9 Subject: West Oakland Development Group ENA
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With West Oakland Development Group, LLC For Development Of The Blocks Surrounded By 5th, 7th, Kirkham And Magnolia Streets In West Oakland; On The April 9, 2013 Community & Economic Development Committee Agenda
[\(12-0368\)](#)

S-4.10 Subject: Annual Reports Of Property-Based BIDs
From: Office Of Economic And Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Annual Reports Of The Koreatown/Northgate Community Benefit District Of 2007 ("Koreatown CBD"), The Downtown Oakland Community Benefit District Of 2008 ("Downtown CBD"), The Lake Merritt/Uptown Community Benefit District Of 2008 ("Lake Merritt CBD"), And The Fruitvale Property Business Improvement District Of 2011 ("Fruitvale BID") Advisory Boards; Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2013/2014; And Authorizing Payment Of The City's Cumulative Fiscal Year 2013/2014 Fair Share Assessment In An Amount Not To Exceed \$200,512.23 For City-Owned Properties In The Koreatown CBD, The Downtown CBD, The Lake Merritt CBD And The Fruitvale BID; And
[\(12-0369\)](#)

2) An Oakland Redevelopment Successor Agency Resolution Authorizing Payment Of The Oakland Redevelopment Successor Agency's Cumulative Fiscal Year 2013/2014 Fair Share Assessment In An Amount Not To Exceed \$9,155.51 For Oakland Redevelopment Successor Agency-Owned Properties In The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, The Lake Merritt/Uptown Community Benefit District Of 2008 And The Fruitvale Property Business Improvement District Of 2011; On The April 9, 2013 Community & Economic Development Committee Agenda
[\(12-0369-1\)](#)

S-4.11 Subject: Arbor Day 2013
From: Public Works Agency
Recommendation: Adopt A Resolution Proclaiming Friday, April 26, 2013 To Be Oakland's Arbor Day 2013 And Authorizing An Official Tree Planting Ceremony At

Fruitvale School; On The April 16, 2013 City Council Agenda As A Ceremonial Item
[\(12-0370\)](#)

S-4.12 Subject: Sidewalk Improvement Projects
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Rosas Brothers Construction For The Chapman And Lancaster Streets Sidewalk Improvement Project - Phase II (Project No. G381113), In The Amount Of Two Hundred And Twenty Four Thousand, Six Hundred And Twenty Five Dollars (\$224,625.00); And
[\(12-0371\)](#)

2) A Resolution Awarding A Construction Contract To Rosas Brothers Construction For The Fruitvale Avenue Sidewalk Improvement Project - Phase III (Project No. G381114), In The Amount Of Two Hundred And Eight Thousand, Three Hundred And Ninety Three Dollars And Fifty Cents (\$208,393.50); On The April 9, 2013 Public Works Committee Agenda
[\(12-0371-1\)](#)

S-4.13 Subject: Sanitary Sewer Rehabilitation
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Shattuck Avenue, 59th Street, Telegraph Avenue And Woolsey Street (Sub-Basin 50-10) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Two Million Seven Hundred Ninety-Five Thousand Five Hundred Twenty-Five Dollars (\$2,795,525.00); And
[\(12-0372\)](#)

2) A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In Rosedale Avenue Bounded By Foothill Boulevard And Santa Rita Street (Project No. C329128) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Ninety-Five Thousand Seventy-One Dollars (\$395,071.00); And
[\(12-0372-1\)](#)

3) A Resolution Awarding A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In Bridge Avenue Bounded By Foothill Boulevard And E.16th Street, And In The Easement Bounded By Carrington Street, 42nd Avenue, Santa Rita Street, And High Street (Project No. C329129) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Seven Thousand Nine Hundred Twenty-Four Dollars (\$307,924.00); And
[\(12-0372-2\)](#)

4) A Resolution Awarding A Construction Contract To Mosto Construction For The Rehabilitation Of Sanitary Sewers In The Easement By Elinora Avenue And Reinhardt Drive (Project No. C329130) In Accord With Plans And Specifications For The Project

And Contractor's Bid In The Amount Of Two Hundred Seventy-One Thousand Six Hundred Seventy-Two Dollars (\$271,672.00); On The April 9, 2013 Public Works Committee Agenda
[\(12-0372-3\)](#)

S-4.14 Subject: Lake Merritt Channel Improvement
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract For The Lake Merritt Channel Improvement At 10th Street (Project No. C277110) To Gordon N. Ball, Inc., The Lowest Responsive And Responsible Bidder, In The Amount Of Fourteen Million Eight Hundred Four Thousand Four Hundred Seventy Five Dollars And Ninety Cents (\$14,804,475.90) In Accord With The Project Plans And Specifications And The Contractor's Bid; And
[\(12-0373\)](#)

2) A Resolution Authorizing The City Administrator To Enter Into An Agreement By And Between The City Of Oakland And The East Bay Municipal Utility District For Construction Of A 30-Inch Water And An 8-Inch Recycled Water Main Relocation As Part Of The Lake Merritt Channel Improvement At 10th Street (Project No. C277110), In The Amount Of One Million One Hundred Seventy Thousand Dollars (\$1,170,000.00); On The April 9, 2013 Public Works Committee Agenda
[\(12-0373-1\)](#)

S-4.15 Subject: Sanitary Sewer Root Foaming Fiscal Year 2012-2013
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Root Tamers For On-Call Sanitary Sewer Root Foaming Services Fiscal Year 2012-2013 (Project No. C457110) In Accord With The Specifications For The Project And Contractor's Bid In The Amount Of Five Hundred Thirty-Five Thousand Eight Hundred Twenty Five Dollars (\$535,825.00); On The April 9, 2013 Public Works Committee Agenda
[\(12-0374\)](#)

S-4.16 Subject: San Pablo Green Street Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing the City Administrator or Her Designee To Enter Into An Agreement With The San Francisco Estuary Partnership To Implement A Green Street Retrofit Project Along San Pablo Avenue To Include Bike Lanes, Pedestrian-Friendly Improvements and Stormwater Filtration Landscaping; On The April 9, 2013 Public Works Committee Agenda
[\(12-0375\)](#)

S-4.17 Subject: Stormwater Treatment Units Construction Award
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Execute A Construction Contract With Bay Construction, The Lowest Responsive And Responsible Bidder, For The Installation Of Six Stormwater Treatment Units (Tree Wells) In West Oakland (Project No. G444210) In Accordance With Plans

And Specifications For The Project And Contractor's Bid In The Amount Of One Hundred Ninety-Nine Thousand Six Hundred Twelve Dollars And Seventy-Four Cents (\$199,612.74); On The April 9, 2013 Public Works Committee Agenda
[\(12-0384\)](#)

S-4.18 Subject: Honoring Lighthouse Community Charter School
From: Vice Mayor Reid And Councilmembers Schaaf And Gallo
Recommendation: Adopt A Resolution Honoring Lighthouse Community Charter School For Being Named The Hart Vision Charter School Of The Year By The California Charter Schools Association; On The April 16, 2013 City Council Agenda As A Ceremonial Item
[\(12-0364\)](#)

S-4.19 Subject: Crime Reduction Plan-Update
From: Oakland Police Department
Recommendation: Receive An Informational Report On The Crime Reduction Plan; On The April 9, 2013 Special Public Safety Committee Agenda
[\(12-0376\)](#)

S-4.20 Subject: Removal Of Technical Assistance Contract For Ceasefire
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Agreement With California Partnership For Safe Communities (CPSC) For The Period Of April 16, 2013 Through June 30, 2014 In An Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) For Technical Assistance To Sustain The Current Strategy And To Determine Where The Strategy Should Be Expanded, And To Conduct A Problem Analysis To Implement Operation Ceasefire; And 2) Waiving The Competitive Request For Proposals/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Business Enterprise Programs (L/SLB) Provisions For The Proposed Professional Services Agreement With CPSC; On The April 9, 2013 Special Public Safety Committee Agenda
[\(12-0377\)](#)

S-4.21 Subject: Port Of Oakland OHIT Railyard Project - Phase 1
From: Port Of Oakland
Recommendation: Receive An Informational Report From The Port Of Oakland On The Status Of The Port's Outer Harbor Intermodal Terminal (OHIT) Railyard Project - Phase 1 Of The Oakland Army Base Redevelopment Plan; On The April 23, 2013 Community & Economic Development Committee Agenda
[\(12-0363\)](#)

S-4.22 Subject: Honoring Rev. Dr. Jim Hopkins And Lakeshore Avenue Baptist Church
From: Council President Kernighan
Recommendation: Adopt A Resolution Honoring The Lakeshore Avenue Baptist Church, And Rev. Dr. Jim Hopkins; On The April 16, 2013 City Council Agenda As A Ceremonial Item
[\(12-0365\)](#)

S-4.23 Subject: Youth Ventures Joint Powers Authority Appointments

- From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing Mayor Jean Quan, Council President Patricia Kernighan, Councilmember Libby Schaaf, Chief Of Police Howard Jordan, And Sara Bedford Of The Department Of Human Services To The Youth Ventures Joint Powers Authority; On The April 16, 2013 City Council Agenda
[\(12-0366\)](#)
[\(rules032113item4\)](#)
- 5 A review of the Draft Agendas for the Special Meeting of the Oakland City Council for April 2, 2013 and the Meeting of the Rules & Legislation Committee for April 4, 2013
[\(rules032113item5\)](#)
- 6 Subject: Pending State Legislation Report
From: Council President Kernighan
Recommendation: Receive An Update On Pending State Legislation And Provide Council Direction On Legislative Priorities
[\(12-0349\)](#)
- 7 Subject: Support For AB 564: Redevelopment
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution In Support Of Assembly Bill 564 Prohibiting The Department Of Finance From Taking Any Future Action To Modify The Enforceable Obligations After Review By The Oversight Board
[\(12-0334\)](#)
- 8 Subject: Support For AB 243: Infrastructure And Revitalization Financing District
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution In Support Of Assembly Bill 243 (Atkins, Bonta, And Perez) Authorizing The Creation Of An Infrastructure And Revitalization Financing District, As Defined, And The Issuance Of Debt With 55% Voter Approval
[\(12-0335\)](#)
- 9 Subject: Support For AB 229: Infrastructure And Revitalization Financing District
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution In Support Of Assembly Bill 229 (Atkins, Bonilla, Bonta, Cooley, Dickinson, And Gordon) Authorizing A District To Fund Various Projects, Including, Among Others Watershed Land Used For The Collection And Treatment Of Water For Urban Uses, Flood Management, Levees, Bypasses, Open Space, Habitat Restoration, Brownfields Restoration, Environmental Mitigation, Purchase Of Land And Property For Development Purposes, Including Commercial Property, Hazardous Cleanup, Former Military Bases, And Specified Transportation Purposes. The Bill Would Authorize A District To Implement Hazardous Cleanup Pursuant To The Polanco Redevelopment Act, As Specified
[\(12-0336\)](#)
- 10 Subject: Support For SCA 11: Local Special Taxes Vote Threshold
From: Council President Kernighan
Recommendation: Adopt A Resolution In Support Of SCA 11 (Hancock) "Reform Of The Local Special Taxes Vote Threshold" Which Would Lower The Vote Threshold For Increasing Most Special Taxes From 2/3s To 55%

[\(12-0337\)](#)

- 11 Subject: Support For AB 391: CA Homes And Jobs Act 2013
From: Council President Kernighan
Recommendation: Adopt A Resolution In Support Of SB 391 (DeSaulnier), The
"California Homes And Jobs Act Of 2013" Which Would Impose A \$75 Fee On The
Recordation Of Each Real Estate Document, Excluding Documents Related To The Sale
Of A Property, In Order To Permanently Fund The California Homes And Jobs Trust
Fund That Will Support The Development Of Homes Affordable To Low- And
Moderate-Income Households

[\(12-0350\)](#)

- 12 Subject: Support For SB 396: Firearm Magazine Capacity
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution In Support Of Senate Bill 396 (Hancock) "Large
Capacity Ammunition Magazines" Which Would Prohibit The Possession Of Large
Capacity Ammunition Magazines With Sufficient Length To Accommodate More Than
10 Rounds Of Ammunition

[\(12-0352\)](#)

- 13 Subject: Support For SB 374: Firearm Regulations
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution In Support Of Senate Bill 374 (Steinberg) Which
Amends The Current Definition Of Illegal "Assault Weapon" To Include A
Semiautomatic, Rimfire, Or Centerfire Rifle That Does Not Have A Fixed Magazine
With The Capacity To Accept Ten Or Fewer Rounds

[\(12-0353\)](#)

OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

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
[\(TTD\)](#)

MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

- * 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.

**LaTonda Simmons
City Clerk and
Clerk of the Council**