



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, May 05, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

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 10:49 a.m. with Council President Larry Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by Vice Mayor Brooks, 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

2 **Approval of the Draft Minutes from the Committee meeting of April 21, 2011**

A motion was made by Vice Mayor Brooks, 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

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

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

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- 4 Scheduling of Agenda Items and revisions to the agendas for the Council Committee meetings of May 10, 2011 (SUPPLEMENTAL)
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

[rules050511item4](#)
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- S-4-1 Subject: First Responder Advanced Life Support (FRALS) Services
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A First Responder Advanced Life Support (FRALS) Services Agreement With Alameda County Emergency Medical Services District For The Term July 1, 2011 To June 30, 2016 And To Appropriate Payment Anticipated To Be \$1,115,222 For The First Year (Based On \$42,893 Per Each Of 26 First Responder Paramedic Units), With A Two Percent (2%) Increase Per Year For The Term Of The Agreement
[10-0616](#)
Scheduled to *Public Safety Committee on 5/24/2011

- S-4-2 Subject: Oakland Pension Liabilities
From: Office Of The Budget
Recommendation: Receive A Report From The Budget Advisory Committee On Oakland Pension Liabilities
[10-0417](#)
Scheduled to *Finance & Management Committee on 5/24/2011
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S-4-3 Subject: Authorizing Sale Of 319 Chester Street
From: Community And Economic Development Agency
Recommendation: A Request To Withdraw An Item Already Scheduled To The
May 17, 2011 City Council Agenda With No New Date

An Ordinance Authorizing The Sale Of A City-Owned Parcel At 319 Chester Street To The Alliance For West Oakland Development For A Purchase Price Of \$94,000, Authorizing Seller Financing For The Purchase Price, Authorizing A \$400,000 Construction Loan, And Authorizing A Disposition And Development Agreement With The Developer To Develop The Parcel With A Single-Family Home

REASON: Since proposal involves land designated as a City park, it must first be approved by the Parks and Recreation Advisory Commission and the Oakland Planning Commission. Staff will re-schedule this item after those bodies have approved the proposal.

[10-0096](#)

***Withdrawn with No New Date**

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S-4-4 Subject: Revocable And Conditional Permit -1633 Harrison Street
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting The Oakland Housing Authority A Revocable And Conditional Permit For A New Building At 1633 Harrison Street To Allow A Vault And An Electrical Transformer To Encroach Under The Public Sidewalk Along 17th Street

[10-0618](#)

Scheduled to *Public Works Committee on 5/24/2011

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S-4-5 Subject: Low And Moderate Income Housing Fund
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution Nos. 2009-0090 C.M.S. And 01-85 C.M.S. To Make Changes To The Amount Of The Reduction In The Agency's Voluntary Five Percent Contribution To The Low And Moderate Income Housing Fund For Fiscal Years 2009-10 And Earlier

[10-0619](#)

Scheduled to *Finance & Management Committee on 5/24/2011

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S-4-6 Subject: Shepherd Canyon Storm Drain Rehabilitation
 From: Public Works Agency
 Recommendation: A Request To Re-Title And Item Already Scheduled To The
 May 24, 2011 Public Works Committee Agenda

New Title: A Resolution Waiving Advertising And Bidding, And Amending And
Increasing The Existing Construction Contract With J & M, Inc. (For
Rehabilitation Of The Storm Drain Line Along Shepherd Canyon Road Between
Gunn Drive And Paso Robles Drive, Project C336020) To Add: 1) Replacement Of
Guardrails Along Shepherd Canyon Road North Side Between Shelterwood Drive
And Tiffany Lane, Project C313810, And 2) Restoration Of Drainage System
Crossing The Shepherd Canyon Trail, Project C336020, In The Amount Of Two
Hundred Thousand Dollars (\$200,000.00), For A Total Contract Amount Of Seven
Hundred Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$724,853.00)

Old Title: A Resolution Increasing The Construction Contract To J & M, Inc. For
Rehabilitation Of Storm Drain Line Along Shepherd Canyon Road Between Gunn
Drive And Paso Robles Drive (Project Number C336020) In The Amount Of Two
Hundred Thousand Dollars (\$200,000.00) For A Total Contract Amount Of Seven
Hundred Twenty Four Thousand Eight Hundred Fifty-Three Dollars (\$724,853.00)

Reason: New Title Clarifies The Request To 1) Reflect An Amendment To A
Contract Previously Approved By The City Council; Thus The Request To Waive
Advertising And Bidding; And 2) Include The Reference To The Guardrail
Replacement.

[10-0590](#)

Scheduled to *Public Works Committee on 5/24/2011

Title Change

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S-4-7 Subject: Citywide Street Rehabilitation And Reconstruction Phase I
 From: Public Works Agency
 Recommendation: Adopt A Resolution Awarding A Construction Contract, In
 Accord With Plans And Specifications For Citywide Street Rehabilitation And
 Reconstruction Phase I Project No. C369620 And The Contractor's Bid Therefor,
 To Gallagher & Burk, Inc. In The Amount Of Three Million Seven Hundred
 Twenty-Eight Thousand Four Hundred Three Dollars (\$3,728,403.00) And
 Waiving Advertising And Bidding Requirements And Authorizing The City
 Administrator Or His Designee To Award Additional Work Up To Seven Hundred
 Fifty Thousand Dollars (\$750,000.00) To The Contract, For A Total Contract
 Authorization Of Four Million Four Hundred Seventy-Eight Thousand Four
 Hundred Three Dollars (\$4,478,403.00)

[10-0617](#)

Scheduled to *Public Works Committee on 5/24/2011

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S-4-8 Subject: Pacific Trenchless Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Pacific Trenchless, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Macarthur Boulevard, 64th Avenue, Simson Street And 72nd Avenue (Sub-Basin 84-104 - Project No. C312210) In Accord With Plans And Specifications For The Project And Contractor's Bid In The Amount Of Three Million Sixty-Four Thousand Eight Hundred Fifty-Four Dollars (\$3,064,854.00)
[10-0621](#)

Scheduled to *Public Works Committee on 5/24/2011

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S-4-9 Subject: Andes Construction Inc. - Contract Award
From: Public Works Agency
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc., For The On-Call Sanitary Sewers Emergency Project Fiscal Year 2011-2012 (Project No. C329120) In Accord With The Specifications For The Project And Contractor's Bid In The Amount Of Three Hundred Seventeen Thousand Five Hundred Dollars (\$317,500.00)
[10-0622](#)

Scheduled to *Public Works Committee on 6/14/2011

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S-4-10 Subject: Cash Management Report
From: Finance And Management Agency
Recommendation: Receive The Cash Management Report For The Quarter Ended March 31, 2011
[10-0620](#)

Scheduled to *Finance & Management Committee on 5/24/2011

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S-4-11 Subject: Supporting SB 48 - FAIR Education Act
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Senate Bill 48 (Leno) "Fair, Accurate, Inclusive And Respectful (FAIR) Education Act " That Would 1) Amend The Education Code To Include Social Sciences Instruction On The Contributions Of Lesbian, Gay, Bisexual And Transgender (LGBT) People And 2) Prohibit Discriminatory Instruction And Discriminatory Materials From Being Adopted By The State Board Of Education
[10-0624](#)

Scheduled to *Rules & Legislation Committee on 5/19/2011

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S-4-12 Subject: Supporting AB 1081 - TRUST Act
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 1081
(Ammiano) "TRUST Act" Which Would Give Local Governments The Right To
Opt-Out Of Immigration And Customs Enforcement's Secure Communities
Program
[10-0625](#)

Scheduled to *Rules & Legislation Committee on 5/19/2011

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S-4-13 Subject: Supporting SB 104 - Fair Treatment of Farm Workers Act
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Senate Bill 104 (Steinberg)
"Fair Treatment Of Farm Workers Act" Which Authorizes Agricultural Employees
To Select Collective Bargaining Representation Through A Specified "Majority
Signup Election" Process, In Addition To The Existing Representation Election
Process Provided For Under Current Law
[10-0626](#)

Scheduled to *Rules & Legislation Committee on 5/19/2011

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S-4-14 Subject: Supporting AB 1389 - Clarity On California DUI Checkpoints
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 1389 (Allen)
"Clarity On California DUI Checkpoints" Which Would Establish Uniformity In
The Way That DUI Checkpoints And Vehicle Impoundments Are Conducted
Across The State
[10-0627](#)

Scheduled to *Rules & Legislation Committee on 5/19/2011

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S-4-15 Subject: Supporting AB 130 And 131 - California Dream Act Of 2011
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bills 130 And 131
(Cedillo), "California Dream Act Of 2011" AB 130 Which Would Open Access To
Institutional Aid To All Eligible AB 540 Undocumented Students And Ab 131
Would Allow Eligible AB 540 Undocumented Students Access To Any Financial
Aid Program Run By The State Of California
[10-0628](#)

Scheduled to *Rules & Legislation Committee on 5/19/2011

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S-4-16 Subject: Supporting AB 889 - Domestic Work Bill Of Rights
From: President Pro Tempore De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 889 (Ammiano And Perez) "Domestic Work Bill Of Rights" Which Would Specially Regulate The Wages, Hours, And Working Conditions Of Domestic Work Employees Which Is Currently An Industry That Is Unregulated
[10-0629](#)
Scheduled to *Rules & Legislation Committee on 5/19/2011
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S-4-17 Subject: Supporting Assembly Bill 934
From: Councilmember Nadel
Recommendation: Adopt A Resolution Supporting Assembly Bill 934 That Would Amend Civil Code Section 47 To Remove Eviction Notices From The Litigation Privilege Thereby Permitting Tenants To Bring A Lawsuit For Wrongful Eviction Against A Landlord Who Issues A Fraudulent Or False Eviction Notice In A Postforeclosure Eviction Or Other Eviction Action
[10-0623](#)
Scheduled to *Rules & Legislation Committee on 5/12/2011
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Requests Submitted on the Dias:

Subject: Supporting AB12
From: Council President Larry Reid
Recommendation: Adopt A Resolution Supporting Assembly Bill 12 (Sandre R. Swanson) Abolition Of Child Commerce, Exploitation, And Sexual Slavery Act Of 2011
[10-0634](#)
Scheduled to *Rules & Legislation Committee on 5/26/2011
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Subject: Supporting AB90 - Human Trafficking
From: Council President Larry Reid and President Pro Tempore Ignacio De La Fuente
Recommendation: Adopt A Resolution Supporting Assembly Bill 90 (Sandre R. Swanson) Human Trafficking: Minors
[10-0635](#)
Scheduled to *Rules & Legislation Committee on 5/26/2011
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Subject: Measure Q Follow Up Report
From: Office Of The City Auditor
Recommendation: Receive A Follow Up Report On Recommendation Follow - Up For The Measure Q, "Library Services Retention And Enhancement Act Of 1994, As Amended In 2004," Performance Audit; On The June 7, 2011 City Council Agenda
[10-0636](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 6/7/2011

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting of May 17, 2011 and the Rules and Legislation Committee Meeting of May 19, 2011

A motion was made by President Pro Tempore De La Fuente, seconded by Vice Mayor Brooks, 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

Additions To May 3, 2011 City Council Agenda:

Subject: Gang Injunction Report
From: Vice Mayor Brooks And Councilmember Nadel
Recommendation: Discussion On A Complete Report From The Oakland City Attorney's Office And The Oakland Police Department On The North Oakland And Fruitvale Gang Injunctions To Include The Analysis For The Selection Of The Target Area; Impact Of The Gang Area Designation On The Property Values In The Designated Areas; Whether Under California State Law Sellers Of Real Estate In The Designated Areas Are Required To Inform Future Purchasers Of The Designation; Implementation; Enforcement Activities To Date; Budget Indicating All Costs Spent To Date For The North Oakland And Fruitvale Gang Injunctions; Crime Statistics In North Oakland Immediately Prior To The Injunction Compared To Crime Statistics In North Oakland Since The Implementation Of The Injunction To Date; And COUNCIL ACTION To Ratify The Continued Expenditure Of City Resources On The Gang Injunctions, Direct Specific Action Related To The Gang Injunctions And Expenditure Of City Resources, And/Or Defund The Gang Injunction Litigation.
[10-0331-1](#)

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Changes to items already scheduled to the May 3, 2011 City Council Agenda:

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](#)

The committee requested that this item be a "request to schedule an ordinance".

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:19 a.m.

NOTE:

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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