



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, April 28, 2011

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Excused: President Pro Tempore De La Fuente

Present: Vice Mayor Brooks, Member Schaaf and Member Reid

The Oakland City Council Rules and Legislation Committee convened at 11:02 a.m., with Council President Reid presiding as Chairperson.

1 **Closed Session**

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, to *Approve as Submitted a Special Closed Session Beginning at 2:00pm on May 3, 2011 The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente

Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid

2 **Approval of the Draft Minutes from the Committee meeting of April 14, 2011**

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, to *Approve with the following amendments To correct the minutes to note that Item 4-8 scheduled to the May 10, 2011 Finance and Management Committee Meeting.

The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente

Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid

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

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente

Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid

From the Rules and Legislation Pending List:

The following items were removed from the Pending List:

- #1 A report discussing a process for Boards and Commissions Nominations to be forwarded to a Respective Council Committee prior to consideration by the Full Council.

- #2 A Report and Recommendation regarding the Boards and Commissions Appointment process relative to appointee qualifications and criteria.
- #4 Subject: State-Wide Fuel Fee
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Resolution Supporting Enactment Of State Legislation That Would Create A New State-Wide "Fuel Fee" That Would Serve The Following Purposes: (1) To Create A Reliable Ongoing Funding Stream For Local Street And Road Maintenance And Transit Operations; (2) To Reduce Greenhouse Gas Emissions; (3) To Promote Energy Independence; (4) To Reduce Traffic Congestion And Improve Transportation Conditions; And (5) To Help To Address The Budget Crisis That The City Of Oakland, As Well As Other Jurisdictions Throughout The State Are Facing Which Has Severely Reduced The Amount Of Revenue That Is Available To Maintain Vital Local Street And Road Infrastructure
09-0498

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[rules42811](#)

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- 4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of May 3, 2011(SUPPLEMENTAL)

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid

[rules42811item4](#)

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- S-4-1 Subject: Measure Y Evaluation And Quarterly Reports
From: Office Of The City Administrator
Recommendation: Receive An Informational Report From The Office Of The City Administrator And Resource Development Associates On The Measure Y Evaluation Reports For The Individual Violence Prevention Programs For Fiscal Year 2009 - 2010 And The Community Policing April 15, 2011 Quarterly Report
10-0604

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

There was one speaker on this item.

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- S-4-2 Subject: Amending Conflict Of Interest Code
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending The City Of Oakland's Conflict Of Interest Code (Ordinance Number 11562 C.M.S Adopted March 23,1993, As Amended, Oakland Municipal Code Chapter 3.16) Enacting A Conflict Of Interest Code For City Of Oakland Employees, Members Of Boards And Commissions, And Consultant Positions To Update The Designation Of Positions Covered By The Code
[10-0606](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/17/2011
There was one speaker on this item.
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[13075 CMS.pdf](#)
- S-4-3 Subject: May 5, 2011 Special Council Meeting Agenda
From: Office Of The City Clerk
Recommendation: Presentation From Mayor Jean Quan Of The Oakland Redevelopment Agency And City Of Oakland's Proposed Policy Budget For Fiscal Year 2011- 2013
[10-0612](#)
This item was noted as a previously scheduled meeting.
[2011-13 Budget Final - Scenario A.pdf](#)
[2011-13 Budget Final - Scenario B.pdf](#)
[2011-13 Budget Final - Scenario C.pdf](#)
- S-4-4 Subject: Civil Service Board Appointments
From: Department Of Human Resource Management
Recommendation: Adopt A Resolution Reappointing Judith Bodenhausen, Dee Dee Brantley, And Wendall Mitchell As Members Of The Civil Service Board
[10-0605](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011
Councilmember Schaaf was noted as voting No.

There was one speaker on this item.
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S-4-5 Subject: Measure Y Reports And Grant Renewal
From: Department Of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Exercise The Option To Renew Grant Agreements Between The City Of Oakland And Various Public And Non-Profit Agencies To Provide Violence Prevention Programs For An Estimated Amount Of \$5,348,111 For Fiscal Year 2011-2012
[10-0607](#)
Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/24/2011
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[83386 CMS.pdf](#)

S-4-6 Subject: International Blvd and 95th Avenue - Real Property Purchase
From: Community And Economic Development Agency
Recommendation: A Request To Withdraw An Item Previously Scheduled To The May 10, 2011 Community And Economic Development Meeting Agenda And Reschedule To The June 14, 2011 Community And Economic Development Agenda

An Agency Resolution Authorizing The Purchase Of Real Property At 9409, 9415, 9423, 9431 And 9437 International Boulevard, 1361 95th Avenue And An Unknown Address On 95th Avenue (Assessor's Parcel Number: 044-4967-009) In The Coliseum Redevelopment Project Area, From Elmhurst Plaza Developer, LLC, Charles Hill And Cherry Hill, And Charles Hill, Surviving Joint Tenant, In An Amount Not To Exceed \$1,300,000 And Authorizing Up To \$400,000 For Demolition, Abatement And Real Estate Closing Costs

REASON: A Recent Fair Market Appraisal Of The Properties Suggested A Purchase Price Below The Contract Price Of \$1,300,000. Staff Are Negotiating A Revised Purchase Price With The Owner Which Is Consistent With The Appraisal.
[10-0541](#)

***Withdrawn and Rescheduled to *Community & Economic Development Committee on 6/14/2011**
[View Report.pdf](#)
[2011-0056 CMS.pdf](#)

S-4-7 Subject: Rehabilitation - Scotlan Memorial Convention Center
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Amending Resolution No. 2010-0099 C.M.S. To Increase A Previous Allocation Of Agency Funds Of \$4,000,000 By An Amount Of Up To \$3,750,000 For A Total Amount Of Up To \$7,750,000 For Necessary Capital Improvements, Repairs And Rehabilitation Of The George P. Scotlan Memorial Convention Center, And Authorizing The Agency Administrator To Negotiate And Execute An Amendment To The Management Agreement With Integrated Services Corporation To Increase The Original Construction Management Fee Of \$153,000 By An Amount Of Up To \$153,000 For A Total Amount Of Up To \$306,000 For Construction Management Services To Administer Up To \$7,750,000 In Capital Improvements
[10-0601](#)

Scheduled to *Community & Economic Development Committee on 5/24/2011

There was one speaker on this item.

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- [2011-0050 CMS.pdf](#)

S-4-8 Subject: West Oakland Neighborhood Project Initiative Program
From: Community And Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Allocating \$442,085 In Funding Under The West Oakland Neighborhood Project Initiative Program, Including (A) Funding In An Amount Not To Exceed \$208,635 For (1) Creation Of Murals Under The 580 Freeway Overpass, (2) Upgrades To The Entryway Of The Crucible At 1260 7th Street, (3) Tenant Improvements To 1485 8th Street, And (4) Installation Of Lighting Improvements At 716 Peralta Street; And (B) A Contribution Of Agency Funds To The City Under The Cooperation Agreement In An Amount Not To Exceed \$233,450 For (1) Installation Of Motion Detectors/Cameras To Deter Or Apprehend Illegal Dumpers, (2) Renovations To St. Andrew's Plaza At 32nd Street And San Pablo, (3) Tree Planting On San Pablo Avenue, (4) Installation Of "Keep Oakland Beautiful" Signage, And (5) Installation Of Bike Racks And Sidewalk Repairs At 716 Peralta Street; And
[10-0602](#)

Scheduled to *Community & Economic Development Committee on 5/24/2011

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- [2011-0047 CMS.pdf](#)

2) A Resolution Accepting And Appropriating Redevelopment Agency Funds Under The Cooperation Agreement In An Amount Not To Exceed \$231,747 For City Public Improvements Within The West Oakland Redevelopment Project Area Under The Neighborhood Project Initiative Program, And Authorizing The City Administrator To Enter Into Agreements And Make Necessary Expenditures To Implement Projects Funded Under The Program Without Returning To The City Council

[10-0602-1](#)

Scheduled to *Community & Economic Development Committee on 5/24/2011

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S-4-9 Subject: BART Signs Grant Agreement
From: Community And Economic Development Agency
Recommendation: Adopt An Agency Resolution Authorizing The Agency Administrator To Enter Into A Signage Matching Grant Agreement Between The Agency And The San Francisco Bay Area Rapid Transit District In An Amount Not To Exceed \$1,000,000.00, To Fund Wayfinding Signage In The Central District

[10-0603](#)

Scheduled to *Community & Economic Development Committee on 5/24/2011

S-4-10 Subject: Accela, Inc - Lease Purchase Agreement
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Waiving Advertising, Bidding And Request For Proposals/Qualifications Requirements, And Authorizing The City Administrator Or His Designee To: 1) Enter Into A Five-Year Contract With Accela, Inc., For Software, Equipment And Services To Implement A Computerized Land-Use Management System In An Amount Not To Exceed \$4,995,000.00 Over The Term Of The Contract; And 2) Award A Financing Contract Following A Competitive Solicitation For Interest Rates To Pay For The Accela Computerized Land-Use Management System, And 3) Carry Out The Above Actions Without Return To Council

[10-0610](#)

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

There was one speaker on this item.

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S-4-11 Subject: Oakland Airport Intelligent Transportation System
From: Public Works Agency
Recommendation: Adopt A Resolution: 1) Rejecting All Bids Submitted For The Oakland Airport Intelligent Transportation System (ITS) Project (City Project No. C389510); 2) Waiving Further Advertising And Bidding Requirements; And 3) Authorizing The City Administrator, Or His Designee To Negotiate And Award A Contract For The Purchase Of Necessary Construction Services And Material In Accord With Plans And Specifications For The Project On The Open Market In A Total Amount Not To Exceed Eight Hundred Fifty Thousand Dollars (\$850,000.00), Without Return To The Council
[10-0599](#)

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

There was one speaker on this item.

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S-4-12 Subject: East Bay Bus Rapid Transit Project
From: Public Works Agency
Recommendation: Receive An Informational Report On The East Bay Bus Rapid Transit Project
[10-0600](#)

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

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4-13 Subject: Tax And Revenue Anticipation Notes
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds For Fiscal Year 2011 - 2012 In An Amount Not To Exceed \$125,000,000 And The Issuance And Sale Of 2011-2012 Tax And Revenue Anticipation Notes Therefore And Approving Certain Related Matters; And
[10-0611](#)

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

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2) A Resolution Authorizing The Sale Of 2011-2012 Tax And Revenue Anticipation Notes In An Amount Not To Exceed \$125,000,000, Authorizing The Execution And Delivery Of Related Documents, And Approving Certain Related Actions
[10-0611-1](#)

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

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S-4-14 Subject: Federal Legislative Lobbyist Agreement
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Recommending That Townsend Public Affairs Serves As The City's Federal Legislative Lobbyist For The Period Of June 1,2011 Through May 31,2012, At A Cost Of Seventy Two Thousand Dollars (\$72,000), And Authorize An Option To Renew For One Year Until May 31, 2013 For An Additional Seventy Two Thousand Dollars (\$72,000), For A Total Amount Not-To-Exceed (\$144,000) For The Entire Term Of The Agreement
[10-0608](#)

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

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Requests Submitted on the Dias:

Subject: Vice Mayor Brooks Travel - Gadsden, Alabama
 From: Vice Mayor Brooks
 Recommendation: Adopt A Resolution Authorizing Vice Mayor Desley Brooks To Travel To Gadsden/Homewood, Alabama To Attend The National League Of Cities' Finance, Administration And Intergovernmental Relations (FAIR) Steering Committee Meeting From June 2-4, 2011
[10-0613](#)

Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/17/2011

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Items Removed from the May 3, 2011 ORA/City Council Agenda:

#12 Subject: City Of Oakland Lobbyist Registration Act - Amendments
 From: Public Ethics Commission
 Recommendation: Adopt An Ordinance Establishing Regulation Of Lobbyists In Oakland Municipal Code Chapter 3.20
[10-0342](#)

***Withdrawn with No New Date**

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5 A review of the Council Committees' actions from April 26, 2011 and determination of scheduling to the ORA/City Council meeting of May 3, 2011 or future dates (MATRIX)
A motion was made by Member Schaaf, seconded by Vice Mayor Brooks, to *Approve with the following amendments. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
 Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

From Finance and Management:

#8 Subject: Mayor's Salary Review
 From: Council President Reid
 Recommendation: Discussion and Possible Action On A Report Calculating The Oakland City Mayor's Salary In Conformity With The Oakland City Charter
 10-0520

**Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 5/17/2011**

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From Community and Economic Development:

#4 Subject: Blight Enforcement
 From: Councilmember Rebecca Kaplan
 Recommendation: Receive A Report On The Implementation Of SB 1137 - Mortgage Relief Bill And A Recommendation For The Assessment And Collection Of \$1,000 Per Day Blight Penalties Against Owners Of Foreclosed And Vacant Residential Properties
 10-0456

***Withdrawn and Rescheduled to Concurrent Meeting of the Oakland
Redevelopment Agency / City Council on 5/17/2011**

Vice Mayor Brooks was noted as voting No.

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6 A review of the Agendas for the Council Committees for the meetings of May 10, 2011 and the Rules and Legislation Committee meeting of May 12, 2011

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

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

[rules42811item6](#)

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7 Subject: Support Of Senate Bill SB 729
From: Councilmember Rebecca Kaplan
Recommendation: 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. [TITLE CHANGE]
[10-0527](#)

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on May 3, 2011 as a Consent item. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

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8 Subject: Support Of Assembly Bill 1321
From: Councilmember Rebecca Kaplan
Recommendation: 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. [TITLE CHANGE]
[10-0528](#)

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on May 3, 2011 as a Consent item. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

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9 Subject: Support Of Assembly Bill SB 935
From: Councilmember Rebecca Kaplan
Recommendation: 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. [TITLE CHANGE]
[10-0529](#)

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on May 3, 2011 as a Consent item. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

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10 Subject: Waste, Recycling, And Labeling Legislative Bills
From: Public Works Agency
Recommendation: Adopt Five Resolutions To Support Five California Legislative Bills Concerning Solid Waste, Recycling, And Product Labeling:

1) A Resolution To Support California Senate Bill 515 (Corbett) Which Will Require Manufacturers To Create, Fund And Operate A Program To Recycle And/Or Dispose Of Household Batteries They Sell In California After Their Useful Life;
[10-0558](#)

A motion was made by Vice Mayor Brooks, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on May 3, 2011 as a Consent item. The motion carried by the following vote:

Votes: Excused; 1 - President Pro Tempore De La Fuente
Aye; 3 - Member Schaaf, Vice Mayor Brooks and Member Reid
There was one speaker on this item.

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2) A Resolution To Support California Senate Bill 567 (Desaulnier) Which Would Extend Existing Environmental Labeling Requirements Affecting Plastic Bags And Food And Beverage Containers To All Plastic Products;
[10-0558-1](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**
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3) A Resolution To Support California Senate Bill 568 (Lowenthal), Which Would Ban Restaurants And All Other Food Vendors From Serving Prepared Food In Polystyrene Foam Containers;
[10-0558-2](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**
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4) A Resolution In Support Of Assembly Bill 341 (Chesbro) - "Solid Waste: Diversion" That Would Establish A Statewide Goal Of 75% Waste Diversion By The Year 2020 And Require Cities And Counties To Establish Mandatory Recycling For Businesses And Multi-Family Dwellings; And
[10-0558-3](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**
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5) A Resolution In Support Of Assembly Bill 818 (Blumenfield) - Solid Waste - Multifamily Dwelling "Renters Right To Recycle Act"
[10-0558-4](#)

***Approve the Recommendation of Staff, and Forward to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 5/3/2011**
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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

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 12:00 p.m.

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.

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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