



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, April 14, 2011

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:

Vice Mayor Desley Brooks, District 6; President Pro Tem Ignacio De La Fuente, District 5; Libby Schaaf, District 4; Chairperson President Larry Reid, District 7

- 1 Closed Session
- 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
- 4 Scheduling of Agenda Items
[\(rules41411item4\)](#)

- S-4-1 Subject: Call For July 19, 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: On The May 3, 2011 City Council Agenda As A Non-Consent Item
[\(10-0555\)](#)
- 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; On The April 26, 2011 Finance And Management Committee Agenda
[\(10-0573\)](#)
- 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; On The May 3, 2011 City Council Agenda
[\(10-0575\)](#)
- 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
[\(10-0527\)](#)

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

[\(10-0528\)](#)

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

[\(10-0529\)](#)

S-4-7 Subject: Chuck Harlins - Retirement
 From: Council President Reid And Vice Mayor Brooks
 Recommendation: Adopt A Resolution Recognizing And Honoring Chuck Harlins Upon His Retirement From The City Of Oakland After 24 Years Of Service; On The May 3, 2011 City Council Agenda, As A Ceremonial Item

[\(10-0564\)](#)

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

[\(10-0333\)](#)

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; On The May 24, 2011 Life Enrichment Committee Agenda

[\(10-0559\)](#)

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 (DHHS/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; On The May 10, 2011 Life Enrichment Committee Agenda

[\(10-0562\)](#)

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; On The May 24, 2011 Life Enrichment Committee Agenda

[\(10-0563\)](#)

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/Adult Care Food Program (CACFP) 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; On The May 10, 2011 Life Enrichment Committee Agenda

[\(10-0566\)](#)

- 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 Expansion Grant From The California Department Of Education In An Estimated Amount Of \$1,138,896 For Program Year 2011-2012, And Authorizing A Grant Agreement With The Unity Council For The Estimated Amount Of \$119,884 Fund Child Development And Family Literacy Services In Accord With Said Grants; On The May 10, 2011 Life Enrichment Committee Agenda
[\(10-0567\)](#)
- 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; On The May 24, 2011 Life Enrichment Committee Agenda
[\(10-0568\)](#)
- 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; On The May 24, 2011 Life Enrichment Committee Agenda
[\(10-0569\)](#)
- 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
[\(10-0486\)](#)

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
[\(10-0499\)](#)

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
[\(10-0503\)](#)

S-4-19 Subject: Foothill Square Grocery Store Encroachment
From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting MacArthur Boulevard Associates A Conditional And Revocable Permit To Allow A Soil Shoring System To Encroach Under The Public Right-Of-Way Along Foothill Boulevard For A New Grocery Store In The Foothill Square Shopping Center Located At 10700 MacArthur Boulevard; On The May 10, 2011 Public Works Committee Agenda

[\(10-0570\)](#)

S-4-20 3) An Agency Resolution Authorizing The Agency Administrator To Sign The Ballot And To Pay The Assessment 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) To Support The Formation Of The Fruitvale Property Business Improvement District Of 2011; On The May 10, 2011 Community And Economic Development Committee Agenda And As A Public Hearing On July 19, 2011

[\(10-0571-2\)](#)

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.

[\(10-0250\)](#)

S-4-22 5) A Resolution In Support Of Assembly Bill 818 (Blumenfield) - Solid Waste - Multifamily Dwelling "Renters Right To Recycle Act" ; On The April 28, 2011 Rules And Legislation Committee Agenda

[\(10-0558-4\)](#)

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; On The April 26, 2011 Public Works Committee Agenda

[\(10-0565\)](#)

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; On The May 10, 2010 Finance And Management
Committee Agenda
[\(10-0560\)](#)

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
[\(10-0561\)](#)

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
[\(10-0574\)](#)

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; On The
May 3, 2011 City Council Agenda
[\(10-0572\)](#)

5 A review of the Council Committees' actions from April 12, 2011 and determination of
scheduling to future dates (MATRIX)
[\(rules41411item5\)](#)

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
[\(rules41411item6\)](#)

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.

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**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**

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**LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency
S - Supplemental Item