



# 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, May 12, 2011**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### 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 10:58 A.M., with Council President Reid presiding as Chairperson.*

1 Closed Session

**A motion was made, 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 28, 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:** 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 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

[rules051211](#)

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4 Scheduling of Agenda Items and revisions to the agenda for the ORA/City Council meeting of May 17, 2011 (SUPPLEMENTAL)

**A motion was made by Member Schaaf, 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

[rules51211item4](#)

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S-4.1 Subject: Rabbi Steven Alan - Retirement  
From: Councilmembers Nadel and Brunner  
Recommendation: Adopt A Resolution Honoring Rabbi Steven Alan Chester On His Retirement After 40 Years Of Service In The Rabbinate In The City Of Oakland  
[10-0637](#)

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

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S-4.2 Subject: Best Practice To Abate Problem Liquor Stores  
From: Councilmember Kernighan  
Recommendation: Receive A Report From The Office Of The City Attorney Regarding The City's Options And Best Practices To Abate Problem Liquor Stores  
[10-0644](#)

**Scheduled to \*Public Safety Committee on 6/14/2011**

S-4.3 Subject: Early Head Start - Grant Funds  
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 ARRA (American Recovery And Reinvestment Act Of 2009-Federal Government's Stimulus Package) Early Head Start Expansion Basic, Training, And Technical Assistance Grant Funds 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 \$Xx, Xxx,Xxx And Authorizing Grant Agreements With The Salvation Army, Brighter Beginnings, And Lotus Bloom Child & Family Resource Center For The Estimated Amount Of \$Xx,Xxx,Xxx To Fund Child Development Services For Children, Birth - Three-Years-Old, And Their Families, With Said Grants; On The June 14, 2011 Life Enrichment Committee Agenda  
[10-0645](#)

**Scheduled to \*Life Enrichment Committee on 6/14/2011**

S-4.4      Subject:    Center On The Social Emotional Foundations Of Early Learning (CSEFEL)  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute Grant Agreements With The Center On The Social Emotional Foundations Of Early Learning (CSEFEL) For Specialized Training And Technical Assistance For Head Start Staff In An Estimated Amount Of \$23,000 For Fiscal Year 2010-2011 And An Estimated Amount \$50,000 For Fiscal Year 2011-2012 Contingent Upon Receipt Of Grant Funding  
[10-0646](#)

**Scheduled to \*Life Enrichment Committee on 6/14/2011**

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S-4.5      Subject:    Purchase Of Early Learning Materials  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute Grant Agreements With Specific Vendors Of Preschool Educational Material And Supplies (Lakeshore Learning, Discount School Supply, Especial Needs, School Health Early Childhood Equipment, Kaplan Learning And Eve's Adaptive Materials), For The Oakland Head Start Program's Purchase Of Early Learning Materials To Support Gross And Sensory Motor Development In Typically Developing Preschool Children And Children With Special Needs, In Individual Amounts For An Aggregate Amount Not To Exceed \$150,000 For The Program Year 2011-2012, With The Possible 1-Year Extension With An Aggregate Amount Not To Exceed \$150,000 For The Program Year 2012-2013, Contingent Upon Receipt Of Grant Funding  
[10-0647](#)

**Scheduled to \*Life Enrichment Committee on 6/14/2011**

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S-4.6      Subject:    BART Signs Grant Agreement  
From:        Community And Economic Development Agency  
Recommendation: A Request To Withdraw An Item Already Scheduled To The May 24, 2011 Community And Economic Development Committee Agenda And Reschedule To The June 14, 2011 Community And Economic Development Committee Agenda

Adopt A 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

REASON: Staff Needs Additional Time To Better Develop The Oakland-Specific Aspects Of The Proposed Signage Program Before Bringing It To Council.

[10-0603](#)

**\*Withdrawn and Rescheduled to \*Community & Economic Development Committee on 6/14/2011**

S-4.7      Subject:    Environmental Remediation Program - Former Oakland Army Base  
From:        Community And Economic Development Agency  
Recommendation: Receive An Agency Report On The Status Of The Environmental Remediation Program On The Former Oakland Army Base And Relationship To The Agency's Environmental Site Liability Policy; On The June 28, 2011 Finance And Management And Community And Economic Development Committee Agendas  
[10-0643](#)

**Scheduled to \*Community & Economic Development Committee on 6/14/2011**

*This item was also scheduled to the June 14, 2011 Finance and Management Committee Agenda.*

S-4.8      Subject:    Bay Area Stormwater Management Agencies Association  
From:        Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate Up To Two Hundred Thousand Dollars (\$200,000.00) From, And To Enter Into An Agreement With, The Bay Area Stormwater Management Agencies Association To Reimburse The City For Staff Costs Expended On The Clean Watersheds For A Clean Bay Project  
[10-0641](#)

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

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S-4.9      Subject:    East Bay Regional Private Sewer Lateral Program  
From:        Public Works Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) Ordinance Amending Oakland Municipal Code Title 13, Chapter 13.08 To Add New Regulations Requiring Oakland Property Owners To Inspect And Certify Lower Sewer Laterals In The Public Right-Of-Way At The Time Of Property Transfer, Major Remodeling And Change In Water Service; And  
[10-0648](#)

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

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2) Resolution Authorizing The City Administrator Or His Designee To Sign A Statement Of Roles And Responsibilities With The East Bay Municipal Utility District For Implementation Of The East Bay Regional Private Sewer Lateral Program  
[10-0648-1](#)

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

S-4.10      Subject:      Water Quality And Waterway Restoration  
From:          Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award: 1)  
As-Needed Design And Technical Services Agreements For Water Quality And Waterway  
Restoration In A Maximum Amount Per Agreement Not-To-Exceed Seven Hundred Fifty  
Thousand Dollars (\$750,000.00), To:  
• AMEC Geomatrix, Inc.,  
• Arcadis-U.S., Inc.,  
• ENGEO Incorporated,  
• Environmental Science Associates (Esa Pwa),  
• Horizon Water & Environment,  
• Northgate Environmental Management, Inc.,  
• The Planning Center/Dc& E,  
• Questa Engineering Corporation,  
• Restoration Design Group, And  
• Stantec Consulting Services, Inc.; And  
2) An As-Needed Design And Technical Services Agreement For Water Quality And  
Waterway Restoration In An A Maximum Amount Not-To-Exceed One Hundred Fifty  
Thousand Dollars (\$150,000.00) To PGAdesign, Inc.  
[10-0649](#)

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

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S-4.11      Subject:      Four As-Needed Graphic Design Services  
From:          Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award  
Agreements For As-Needed Graphic Design Services In A Maximum Amount Not-To-Exceed  
One Hundred Thousand Dollars (\$100,000.00) Per Agreement To:  
• Circle Point,  
• Jung Design, Inc.,  
• MMM Design, And  
• The Planning Center/DC&E  
[10-0638](#)

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

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S-4.12      Subject:      Stormwater Trash Control Devices  
From:          Public Works Agency  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee  
To Enter Into An Agreement With The Association Of Bay Area Governments (ABAG) To  
Accept Up To Four Hundred Thousand Dollars (\$400,000.00) Worth Of Free Storm Water  
Trash Control Devices, That Will Be Paid For By American Recovery And Reinvestment Act  
Of 2009 (ARRA) Funds  
[10-0642](#)

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

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S-4.13      Subject:    Investment Policy For Fiscal Year 2011-2012  
              From:        Finance And Management Agency  
              Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2011-2012; And  
[10-0639](#)

**Scheduled to \*Finance & Management Committee on 6/14/2011**

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S-4.14      Subject:    Debt And Swap Policy  
              From:        Finance And Management Agency  
              Recommendation: Receive A Report On The City Of Oakland And Oakland Redevelopment Agency Debt And Swap Policy For Fiscal Year 2011-2012  
[10-0640](#)

**Scheduled to \*Finance & Management Committee on 6/14/2011**

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**Requests Submitted on the Dias:**

*Councilmember Nadel was noted present at 11:26 a.m. and at that time the Rules and Legislation Committee adjourned and the body convened as a Special Meeting of the Oakland City Council.*

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 RESOLUTION Requiring That No City Funds May Be Expended Towards The Preparation, Litigation Or Implementation Of Any City Of Oakland Gang Injunction Or Gang Injunction Brought In The Name Of The People Of The State Of California Unless And Until (1) The City Attorney And The Oakland Police Department Present A Report With Budget To The City Council Regarding Such Action And (2) The City Council Authorizes Expenditure Of City Funds For The Preparation, Litigation And/Or Implementation Of Any Such Gang Injunction; And COUNCIL ACTION To Either (1) Defund The Expenditure Of City Resources On The Gang Injunctions Or (2) Ratify The Continued Expenditure Of City Resources On The Gang Injunction And Direct The City Attorney And The Oakland Police Department To Return To The City Council With A Detailed Budget For Litigation And Implementation Costs.

[TITLE CHANGE]

[10-0331-1](#)

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

*The Committee moved, seconded and carried a motion to approve the following urgency finding pursuant to the Sunshine Ordinance Section 2.20.080 E(2) regarding scheduling of this Item: that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.*

*President Pro Tempore is noted as voting No.*

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*Councilmember Nadel was noted absent at 11:39 a.m. and at that time the Special Meeting of the Oakland City Council adjourned and the body convened as the Rules and Legislation Committee.*

- 5 A review of the Council Committees' actions from May 10, 2011 and determination of scheduling to the ORA/City Council meeting of May 17, 2011 future dates (MATRIX)  
**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

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- 6 A review of the Agendas for the Council Committees for the meetings of May 24, 2011 and the Rules and Legislation Committee Meeting of May 26, 2011  
**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

[rules51211item6](#)  
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- S-7 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](#)

**A motion was made by Member Schaaf, seconded by Vice Mayor Brooks, 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 17, 2011 as a Non-Consent item. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Schaaf, Vice Mayor Brooks, Member Reid and President Pro Tempore De La Fuente  
*Councilmember Schaaf made a motion seconded by President Pro Tempore De La Fuente to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item 7 that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.*

*There were 5 speakers on this item.*  
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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

*There were no speakers 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 11:55 a.m.*

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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.

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*City Clerk and Clerk of the Council*