



City of Oakland Meeting Minutes

*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, February 20, 2014

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules And Legislation Committee convened at 10:58 a.m., with Council President Kernighan presiding as Chairperson.

COMMITTEE MEMBERSHIP:

Dan Kalb, District 1; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Chairperson: Council President Patricia Kernighan, District 2

1 Determinations Of Closed Session

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

Excused: Vice Mayor Reid

Present: Council President Kernighan, Member Schaaf and Member Kalb

Excused; 1 - Vice Mayor Reid

closed session March 4, 2014 from 2:30-5:30

2 Approval Of The Draft Minutes From The Committee Meetings Of January 30, 2014 And February 6, 2014

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

Votes: Excused; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

3 Determination Of Schedule Of Outstanding Committee Items

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

Votes: Excused; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

[rules022014item3](#)

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4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)

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

Votes: Excused; 1 - Vice Mayor Reid
Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

S-4.1 Subject: ENA With Harrison Bay Partners
From: Office Of Neighborhood Investment
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement For A Period Of One Year With The Option To Extend Administratively For 90 Days With Harrison Bay Partners LLC To Develop A Mixed-Use Project On City Owned Properties At 2315 Valdez Street And 2330 Webster Street
[13-0359](#)

Scheduled to *Community & Economic Development Committee on 3/11/2014
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S-4.2 Subject: Realignment Easement At 13451 Campus Drive
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Conditionally Approving The Realignment Of An Existing Public Service Easement At 13451 Campus Drive
[13-0360](#)

Scheduled to *Public Works Committee on 3/11/2014
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[84889 CMS.pdf](#)

S-4.3 Subject: Cash Management Report
From: Office Of The City Administrator
Recommendation: Receive The Cash Management Report For The Quarter Ended December 31, 2013
[13-0361](#)

Scheduled to *Finance & Management Committee on 3/11/2014
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S-4.4 Subject: Measure C - Oakland Hotel Tax Audit And Status Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding Measure C - Oakland Hotel Tax Audit And Program Status Report
[13-0362](#)

Scheduled to *Finance & Management Committee on 3/11/2014
[View Report.pdf](#)

S-4.5 Subject: Measure DD Series 2009B Fund Report Audit Of Financial Statements
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Regarding Measure DD Series 2009B
Fund Report On Audit Of Financial Statements For The Period Of July 22, 2009 Through June
30, 2012
[13-0363](#)

Scheduled to *Finance & Management Committee on 3/11/2014

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S-4.6 Subject: Settlement Agreement - City Of Oakland v. AMBAC Financial Group
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Approving Partial Settlement Of City Of Oakland v.
AMBAC Financial Group, Inc., Et Al., San Francisco Superior Court Case No.
CGC-08-479241, Authorizing Acceptance Of Payment From Syncora Guarantee, Inc. Of
\$25,830.33, In Exchange For Dismissal Of The Lawsuit By The City
[13-0349](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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S-4.7 Subject: Settlement Agreement- Henderson v. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Antionette Henderson v. City Of Oakland, Et Al,
Alameda County Superior Court Case No. RG11595026, City Attorney's File No. 28096-B, In
The Amount Of Forty-Four Thousand Dollars (\$44,000.00) (Oakland Public Works-Tree Limb
Failure)
[13-0367](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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S-4.8 Subject: Recognizing Juanita Matthews
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Recognizing Juanita Matthews For Over 40 Years Of
Service As A Teacher At Emerson Elementary School
[13-0364](#)

Scheduled to Meeting of the Oakland City Council on 3/18/2014

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S-4.9 Subject: Support Of SB 962 - Smartphone Theft Prevention
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of The Senate Bill (SB) 962 (Leno) -
Smartphone Theft Prevention
[13-0365](#)

Scheduled to *Rules & Legislation Committee on 3/13/2014

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S-4.10 Subject: Travel Authorization - Kalb
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Authorizing Councilmember Kalb To Travel To Ontario, California To Attend The League Of California Cities' Public Safety Committee Meeting On April 4, 2014
[13-0366](#)

Scheduled to Meeting of the Oakland City Council on 3/18/2014

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S-4.11 Subject: Waste Collection Franchise Agreement Policy
From: Councilmembers Kalb, Gibson McElhane And Gallo
Recommendation: Adopt A Resolution Setting Forth A City Of Oakland Policy For Future City Waste/Garbage Collection, Disposal, Or Recycling Franchise Agreements, Or The Renewal Or Extension Of Any Such Existing Agreement, To (1) Require That Source-Separated Third Bin Services For Organic/Green/Compostable Waste Be Provided To All Oakland Residents, Including In Multifamily Buildings, (2) Require That Access To Curbside Bulky Waste Pick Up Be Provided For All Oakland Residents, And (3) Provide For Family-Supporting Wages And Benefits To All Workers Who Provide Recycling Services To The City Of Oakland, Its Residents And Businesses
[13-0373](#)

Scheduled to *Public Works Committee on 3/11/2014

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S-4.12 Subject: Measure DD Fund Report And Reallocation
From: Public Works Agency
Recommendation: Receive An Informational Update On Measure DD, The Oakland Trust For Clean Water And Safe Parks, And Adopt A Resolution To 1) Approve The Reallocation Of Measure DD Bond Series 2009B Proceeds, And 2) Authorize The City Administrator, Or The City Administrator's Designee, To Make Final Adjustments To The Allocations Of Measure DD Series 2009B Bond Proceeds As The City Administrator Deems Necessary For The Timely Completion Of Measure DD Projects
[13-0355](#)

Scheduled to *Public Works Committee on 3/11/2014

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S-4.13 Subject: 23rd Ave / 29th Ave Rail Crossing Improvements Project
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Appropriate Supplemental Funds In The Amount Of One Million Six Hundred And Sixteen Thousand Three Hundred And Twelve Dollars And Fifty Cents (\$1,616,312.50) From The State Of California Department Of Transportation (CalTrans) In Accordance With The Fully Executed Cooperative Agreement No. 4-2265; And 2) Execute A Construction Contract With McGuire And Hester, The Lowest Responsive And Responsible Bidder, For The Construction Of The 23rd Ave/ 29th Ave Rail Crossing Improvement Project (No. G381112) In Accordance With Plans And Specifications For The Project In The Amount Of Four Hundred And Seventy Thousand Three Hundred And Sixty-Four Dollars (\$470,364.00) And Reject All Other Bids
[13-0356](#)

Scheduled to *Public Works Committee on 3/11/2014

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S-4.14 Subject: Seismic Retrofit of Coliseum Way Bridge Project
From: Public Works Agency
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Amount Of The Contract With Disney Construction, Inc. For The Seismic Retrofit Of Coliseum Way Bridge (Project No. C346810) By One Hundred Ninety Thousand Six Hundred Twelve Dollars (\$190,612.00) For A Not-to-Exceed Amount Of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00)
[13-0357](#)

Scheduled to *Public Works Committee on 3/11/2014

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S-4.15 Subject: Bike Pedestrian Anti-Harassment Ordinance
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Adding Chapter 12.61 To Article 12 ("Streets, Sidewalks, And Public Places") Of The Oakland Municipal Code To Prohibit Endangerment Of Vulnerable Roadway And Sidewalk Users (Pedestrians And Bicyclists)
[13-0372](#)

Scheduled to *Public Safety Committee on 3/25/2014

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S-4.16 Subject: Honoring OSA's Vocal Rush
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Honoring The Success Of Vocal Rush, A Renowned A Cappella Group From Oakland School For The Arts, Which Placed 3rd On NBC's The Sing Off In December 2013 And Recognizing Their Talented Members For Extraordinary Artistic And Academic Achievement
[13-0353](#)

Scheduled to Meeting of the Oakland City Council on 3/18/2014

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S-4.17 Subject: Acknowledging Beverly Hodge
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Beverly Hodge For Her Commitment To Improve The City Of Oakland As A Community Partner, Volunteer, And Leader
[13-0368](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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S-4.18 Subject: Acknowledging Owens-Illinois Inc.
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Owens-Illinois Inc., A Glass Manufacturing Company, For Their Commitment To The City Of Oakland For Over 100 Years
[13-0369](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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S-4.19 Subject: Informational Report On Public Safety Ballot Measures
From: Councilmember Noel Gallo
Recommendation: Receive Input From And Engage The Community On The Development Of The 2014 Public Safety Ballot Measures
[13-0374](#)

Scheduled to *Public Safety Committee on 3/11/2014

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- [View Supplemental Report 7.pdf](#)
- [View Supplemental Report 8.pdf](#)
- [View Supplemental Report 9.pdf](#)
- [85110 C.M.S.pdf](#)

S-4.20 Subject: Chabot Science Center Board Appointment
From: Council President Kernighan
Recommendation: Adopt A Resolution Appointing Councilmember Libby Schaaf As The Elected Member Of The Oakland City Council On The Chabot Space & Science Center Joint Powers Authority Board Of Directors
[13-0375](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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S-4.21 Subject: Support For The Postal Service Protection Act
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Supporting The Postal Service Protection Act And Urging Senators Boxer And Feinstein To Support The Act That Protects 6 Day Mail Delivery, Mail Processing, And Door To Door Service To Households And Businesses
[13-0354](#)

Scheduled to *Rules & Legislation Committee on 3/6/2014

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Items Submitted on the Dais

#1 Subject: Honoring Arbor Day At Children's Fairyland
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Honoring Arbor Day At Children's Fairyland On Saturday March 15, In Which PG&E Will Sponsor Local Companies From The Western Chapter Of The Society Of Arborists As Well As Public Works Agency Tree Staff To Provide Maintenance To Enhance Over 100 Trees Within Fairyland Through An Educational Event And Celebration Of Oakland's Urban Forest
[13-0376](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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#2 Subject: Travel Authorization - Brooks
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Authorizing Councilmember Desley Brooks To Travel To Dana Point, California To Attend The 13th Annual 2014 IMG World Congress Of Sports Conference From March 19-20, 2014
[13-0377](#)

Scheduled to Meeting of the Oakland City Council on 3/4/2014

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[84870 CMS.pdf](#)

5 A Review Of The Draft Agendas For The City Council Meeting Of March 4, 2014 And The Rules And Legislation Committee Of March 6, 2014

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

Votes: Excused; 1 - Vice Mayor Reid
Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan
Item 7.6 moved to non-Consent portion of the 3/18 meeting

[rules022014item5](#)

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- 6 Subject: Deadlines For Ballot Initiatives For The November 2014 Ballot
From: Office Of The City Clerk
Recommendation: Receive An Informational Report Providing Deadlines For Placing Initiatives On Ballot For The November 4, 2014 Election
[13-0309](#)

A motion was made by Member Schaaf, seconded by Member Kalb, that this matter be Scheduled to the Meeting of the Oakland City Council, to be heard at the March 4, 2014 meeting. The motion carried by the following vote:

Votes: Excused; 1 - Vice Mayor Reid
As a consent item

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Open Forum (Total Time Available: 15 Minutes)

1 speakers spoke 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 11:50 a.m.

NOTE: Americans With Disabilities Act
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Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

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[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.

City Clerk and Clerk of the Council