



# City of Oakland

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City  
Clerk

## Meeting Minutes - DRAFT \*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, December 3, 2015

10:45 AM

City Council Chamber, 3rd Floor

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*The Oakland City Council Rules & Legislation Committee convened at 10:55 a.m.,  
with Council President Gibson McElhanev presiding as Chairperson.*

### Roll Call / Call To Order

**Present** 4 - Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhanev

#### 1 Determinations Of Closed Session

[15-0241](#)

**Attachments:** [View Report](#)

*A Special Closed Session has been scheduled for December 8, 2015 at 2:00 p.m..*

**A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhanev

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of November 12, November 19, And November 26, 2015

[15-0242](#)

**Attachments:** [View Report](#)

**A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhanev

#### 3 Determination Of Schedule Of Outstanding Committee Items

[15-0243](#)

**Attachments:** [View Report](#)

**A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhanev

**4** Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
[15-0244](#)

**Attachments:** [View Report](#)

*There was one speaker on this item.*

**A motion was made by Kalb, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhaney

**4.1** Subject: Honoring Audree V. Jones-Taylor Upon Her Retirement  
From: President Pro Tempore Reid And Councilmember Campbell Washington  
Recommendation: Adopt A Recognizing And Honoring Oakland Parks And Recreation Director Audree V. Jones-Taylor For More Than 11 Years Of Dedicated Service To The Residents Of The City Of Oakland Upon Her Retirement  
[15-0377](#)

**Attachments:** [View Report](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 12/8/2015**

**4.2** Subject: Settlement Agreement - New Cingular LLC  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of New Cingular Wireless LLC, Et Al. V. City Of Oakland, Et Al., Los Angeles County Superior Court Case No. BC462270 City Attorney's File No. X03697, In The Amount Of Seven Hundred Twenty-Five Thousand Nine Hundred Fifty-Four Dollars And No Cents (\$725,954.00) (Revenue); On The December 8, 2015 Special City Council Agenda As A Consent Item  
[15-0381](#)

**Attachments:** [View Report](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 12/8/2015**

**4.3** Subject: Settlement Agreement - In Re Municipal Derivatives Antitrust Litigation  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving Partial Settlement Of In Re Municipal Derivatives Antitrust Litigation, United States District Court Southern District Of New York, MDL No. 1950, Authorizing Acceptance Of Payment From George K. Baum Of \$35,000 And Acceptance Of Payment From Societe Generale Of \$263,089 In Exchange For Dismissal Of The Lawsuit By The City; On The December 8, 2015 Special City Council Agenda As A Consent Item  
[15-0382](#)

**Attachments:** [View Report](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 12/8/2015**

**4.4** Subject: Declaring A Shelter Crisis In The City Of Oakland  
From: Office Of The Mayor And Councilmember Guillén  
Recommendation: Adopt An Ordinance Declaring A Shelter Crisis In The City Of Oakland, Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons, And Suspending Planning, Zoning, And Other Permit Requirements  
[15-0352](#)

**This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 12/8/2015 as a Non-Consent Item**

**4.5** Subject: Rent Relief For Businesses In City Owned Properties In Latham Square  
From: Council President Lynette Gibson McElhaney  
Recommendation: Adopt A Resolution For Rent Relief And Other Policies To Mitigate Harms On Local Businesses In City Owned Properties In Latham Square Impacted By The Continuing City Construction  
[15-0411](#)

**This City Resolution was Withdrawn with No New Date.**

**4.6** Subject: PFRS Report As Of September 30, 2015  
From: Finance Department  
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System's Investment Portfolio As Of September 30, 2015  
[15-0413](#)

**This Informational Report was Scheduled.to the \*Finance & Management Committee to be heard 12/15/2015**

- 4.7 Subject: Thermoplastic Pre-Melting Kettles  
From: Finance Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Mark Rite Lines Equipment Co., Inc., The Lowest Responsible, Responsive Bidder, A Corporation, To Provide Two (2) 2015 Model Trailer Mounted Thermoplastic Pre-Melting Kettles, In An Amount Not To Exceed One Hundred Six Thousand Seven Hundred Forty-Nine Dollars And Fifty-Five Cents (\$106,749.55) Per Request For Quotation (RFQ) No. 5485, Specification No. 15-070-59 And The General Conditions Therefor On File In The Purchasing Section According To Its Bid Filed With The City On April 20, 2015  
[15-0414](#)

**This City Resolution was Scheduled.to the \*Finance & Management Committee to be heard 12/15/2015**

- 4.8 Subject: Resolution To Redirect Funds For Illegal Dumping Mitigation  
From: Keep Oakland Clean And Beautiful  
Recommendation: 1) Receive A Report Detailing Illegal Dumping And Enforcement; And  
[15-0415](#)

**This Informational Report was Scheduled.to the \*Public Works Committee to be heard 12/15/2015**

- 2) Adopt A Resolution Authorizing The City Administrator To Redirect Use Of One Hundred Thousand Dollars (\$100,000) Designated For Mattress Recycling Pilot Program In Recycling Program Fund (1710) For Use As Illegal Dumping Mitigation Funding  
[15-0416](#)

**This City Resolution was Scheduled.to the \*Public Works Committee to be heard 12/15/2015**

- 4.9 Subject: PG&E Substation C MOU & LUC  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding Negotiated Between Pacific Gas And Electric (PG&E) And The City Of Oakland And A Land Use Covenant Between The California Department Of Toxic Substances Control And The City Of Oakland Regarding Potential Contamination Beneath The Sidewalk Adjacent To PG&E's Substation C Property  
[15-0417](#)

**This City Resolution was Scheduled.to the \*Public Works Committee to be heard 12/15/2015**

- 4.10** Subject: DDA For 2330 Webster Street & 2315 Valdez Street  
From: Economic & Workforce Development Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And TDP Webster, LLC Or A Related Entity (“Developer” Or “TDP”) That Provide For The Following: 1) The Sale Of Two Contiguous City-Owned Parcels Located At 2330 Webster Street And 2315 Valdez Street To Developer For Their Combined Appraised Market Value Of \$9,450,000; 2) The Developer’s Construction On The Property Of A Residential Mixed-Use Project, Including Ground Floor Retail Space And A Public Parking Garage; 3) The City’s Purchase From The Developer Of The Public Parking Garage For A Cost Not To Exceed \$13,468,780; 4) Negotiation And Execution Of Agreements Providing For Easements And Entry Rights And Other Matters Required For The Operation And Maintenance Of The Public Parking Garage; And 5) Negotiation And Execution Of Amendments To Existing Parking License Agreements With Third Parties To Facilitate Development of the Project  
[15-0406](#)

**This Ordinance was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

- 4.11** Subject: Amendments To The Ellis Act Ordinance  
From: Housing & Community Development Department  
Recommendation: Adopt An Ordinance To Amend The Ellis Act Ordinance O.M.C. 12539 C.M.C. To (1) Extend Relocation Payments To All Households Regardless Of Income; (2) Set The Base Amount Of Relocation Payment At \$8,000 Per Unit; (3) Require An Additional Payment Of \$2,500 Per Unit For Units With Tenants Who Are Seniors, Disabled, Low-Income, Or Families With Minor Children; And (4) Require That Half Of The Payment Be Made When The Termination Notice Is Given And The Other Half Of The Payment Made Upon Tenant’s Move Out  
[15-0407](#)

**This Ordinance was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

**4.12** Subject: Coliseum Transit Village Owner Participation Agreement (OPA)  
From: Economic & Workforce Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute (1) An Owner Participation Agreement Among The City Of Oakland (“City”), The Oakland Economic Development Corporation (“OEDC”) And Urban Core Partners, LLC (“Urban Core”) Or The City And A Related Entity Of OEDC And Urban Core And (2) A Development Loan Agreement Among The City, OEDC And Urban Core Or The City And A Related Entity Of OEDC And Urban Core For A Loan Amount Not To Exceed Eleven Million Six Hundred Thousand Dollars (\$11,600,000) Comprised Of: (A) \$8,000,000 In Previously Approved Oakland City Council Resolution No. 84516 C.M.S. Redevelopment Project Area Excess Bond Spending Plan Uses: Coliseum Transit Village Phase I; (B) Re-Allocating \$3,200,000 In 2006 Coliseum Taxable Bond Funds From Coliseum BART Station Transit Village Infrastructure Project To The Coliseum Transit Village Phase I Project; And (C) Amending The Coliseum Redevelopment Project Area Excess Bond Spending Plan To Re-Appropriate And Re-Allocate Excess Bond Proceeds In The Amount Of \$400,000 Previously Listed And Committed In The Approved Bond Spending Plan To The Coliseum City Specific Plan All In Connection With The Coliseum Transit Village Phase I Project; And

[15-0409](#)

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

2) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute A Memorandum Of Understanding (“MOU”) With The Bay Area Rapid Transit District (“BART”) For Purposes Of Providing Additional Coliseum BART Station Surface Parking Between 69th And 75th Avenues On The City Owned Parking Lot Located On Snell Street (APN # 041-4170-005-04), And Along City Right Of Way On A Portion Of 71st Avenue And On Snell Street Between 69th And 75th Avenues

[15-0410](#)

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

**4.13** Subject: Brooklyn Basin Affordable Housing  
From: Housing & Community Development Department  
Recommendation: Adopt A Resolution Approving The Financing Plan For Developing Affordable Housing At The Brooklyn Basin Project, And Authorizing Submittal Of A Petition For A Final And Conclusive Determination By The California Department Of Finance (DOF) Of The Enforceable Obligation To Fund Such Development

[15-0418](#)

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

- 4.14** Subject: 2015-2016 WIB Budget Follow-Up  
From: Economic & Workforces Development Department  
Recommendation: Receive An Informational Report To Further Explain, Clarify, And Examine Administrative And Program Support Costs In The Workforce Investment Board Budget And Evaluate Any Possible Reallocation Of Funds In Fiscal Year 2015-2016  
[15-0419](#)

**This Informational Report was Scheduled.to the \*Community & Economic Development Committee to be heard 12/15/2015**

- 4.15** Subject: Criteria For Allocation Of Raider Ticket Surcharge Funds  
From: Oakland Parks And Recreation Department  
Recommendation: Receive A Report And Recommendation To The City Council To Accept And Continue With The Current Criteria For Allocation Of Raider Ticket Surcharge Funds Used To Expose Oakland's Youth To Non-Traditional Sports (Tennis, Golf, Girls Sports), Aquatics (Swimming, Tallship Sailing, Sailing And Boating), Outdoor Recreation (Camping, Surfing, Rock Climbing) And Cultural Events  
[15-0420](#)

**This Report and Recommendation was Scheduled.to the \*Life Enrichment Committee to be heard 12/15/2015**

- 4.16** Subject: Goat Grazing Contract  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: 1) Waiving The Advertising And The Fixed, Sealed Bid, Price-Based Bid Process; And 2) Authorizing The City Administrator Or Her Designee To: Enter Into A Professional Services Contract With Ecosystems Concepts, Inc. (Eci), To Provide Goat Grazing Services In The City Of Oakland For A Two (2) Year And Six (6) Month Period Beginning July 1, 2015 Through December 31, 2017, For A Total Contract Amount Not To Exceed Six Hundred Seventy-Five Thousand, Five Hundred Seventy-Five Dollars (\$675,575.00) For The Entire Two Year (2) And Six Month (6) Period  
[15-0402](#)

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard 12/15/2015**

- 4.17** Subject: Fiscal Year 2015, Urban Search And Rescue Grant  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal FEMA Funds For The Period September 30, 2015 To September 30, 2018, In The Amount Of One Million Two Hundred Twenty-Nine Thousand Five Hundred Eighty-Two Dollars (\$1,229,582) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force) And To Host The US&R Medical Team Training In June 2016; 2) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration And Other Government Pricing Schedules; 3) Waive The City's Advertising, Competitive Bidding And Purchasing Requirements For The Procurement Of Equipment When Required By The Grant Funds; And 4) Approve Travel For City Personnel That Provide Services Under The FEMA Cooperative Agreement On Short Notice Without Further Council Authorization  
[15-0403](#)

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard  
12/15/2015**

- 4.18** Subject: Oakland School Police Vehicle Donation  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept Six Used Patrol Motorcycles, One Used Vehicle Trailer, And One Used Panel Van, At No Initial Cost To The City Of Oakland, To Be Used For Official OPD Purposes  
[15-0404](#)

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard  
12/15/2015**

- 4.19** Subject: Forensic Biology Supply Purchase  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Waive The City's Competitive Advertising And Bidding Requirements For The Purchase Of DNA Analysis Supplies, Instrumentation, Instrument Services, And DNA Interpretation Software From Applied Biosystems (A.K.A. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/USA Scientific And Promega; And Sexual Assault Evidence Collection Kits From Tritech, Inc., For A Total Cost Not To Exceed \$465,000; And 2) To Extend The Purchasing Agreement With Each Vendor Without Returning To City Council Through June 30, 2020, For A Total Cost Not To Exceed \$330,000 Per Fiscal Year  
[15-0405](#)

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard  
12/15/2015**



- 4.20 Subject: Cannabis Regulatory Commission Biennial Report  
From: Office Of The City Administrator  
Recommendation: Receive The Cannabis Regulatory Commission Biennial Report  
[15-0421](#)

This Informational Report was Scheduled.to the \*Public Safety Committee to be heard 1/12/2016

- 4.21 Subject: Imposing A Ban On Unsecured Concealable Firearms  
From: Vice Mayor Rebecca Kaplan And Barbara Parker, City Attorney  
Recommendation: Adopt An Ordinance Banning Unsecured Concealable Firearms, Long Guns, And Ammunition In Unattended Vehicles  
[15-0422](#)

This Ordinance was Scheduled.to the \*Public Safety Committee to be heard 12/15/2015

- 4.22 Subject: City Issued Firearms  
From: Vice Mayor Rebecca Kaplan And Barbara Parker, City Attorney  
Recommendation: Adopt An Ordinance Requiring That City-Issued Firearms Be Secured In Unattended Private Vehicles By Placing Them In The Locked Trunk Of The Vehicle Or In A Locked Container Inside The Vehicle That Is Not Visible  
[15-0423](#)

This Ordinance was Scheduled.to the \*Public Safety Committee to be heard 12/15/2015

- 4.23 Subject: Large Capacity Magazine Ban & Safe Firearm Storage  
From: Councilmembers Dan Kalb & Annie Campbell Washington  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Which: (1) Prohibits The Possession Of Large-Capacity Firearm Magazines; (2) Requires The Safe Storage Of Firearms In A Residence; And (3) Requires Concealed Carry Licensees To Secure Firearms In Automobiles; And  
[15-0424](#)

This Ordinance was Scheduled.to the \*Public Safety Committee to be heard 12/15/2015

(2) A Resolution Directing The City Administrator To Return To Council Within Four Months With A Proposal Requiring That City- Issued Firearms In Automobiles Must Be Secured  
[15-0425](#)

This Ordinance was Scheduled.to the \*Public Safety Committee to be heard 12/15/2015

- 4.24 Subject: Golden Gate Renaming  
From: Oakland Parks And Recreation Department  
Recommendation: Adopt A Resolution Renaming The Golden Gate Recreation Center To The Charles Porter Golden Gate Recreation Center  
[15-0408](#)

**This City Resolution was Scheduled.to the \*Rules & Legislation Committee to be heard 12/17/2015**

- 4.25 Subject: State Legislative Activities & Proposed 2016 State Legislative Priorities  
From: Office Of The Mayor  
Recommendation: Receive A Report On 2015 State Legislative Activities And Accomplishments, And Take Possible Action On Proposed 2015-16 State Legislative Priorities  
[15-0412](#)

**This Report and Recommendation was Scheduled.to the \*Rules & Legislation Committee to be heard 12/17/2015**

**Item Submitted On The Dias**

- Subject: Surplus Lands Act Discussion  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Waiving Attorney-Client Privilege For Certain Legal Opinions On The Applicability Of The California Surplus Land Act To City Real Property Transactions  
[15-0375](#)

**This Report and Recommendation was Scheduled.to the Meeting of the Oakland City Council to be heard 12/8/2015**

- 5 A Review Of The Council Committees' Actions From December 1, 2015 And Determination Of Scheduling To The City Council Meeting Of December 8, 2015 (MATRIX)  
[15-0245](#)

**Attachments:** [View Report](#)

**A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhaney

- 6 A Review Of The Draft Agendas For The Special Council Committee Meetings Of December 15, 2015 And The Rules And Legislation Committee Of December 17, 2015  
[15-0329](#)

**Attachments:** [View Report](#)

*The December 15, 2015 Special Community & Economic Development Committee will be held at 1:00 p.m. in council Chambers.*

**Open Forum (Total Time Available: 15 Minutes)**

*There was one Open Forum speaker.*

**Adjournment**

*There being no further business, and upon the motion duly made, the Council adjourned the meeting at 11:35 a.m.*

**Americans With Disabilities Act**

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**Office of the City Clerk - Agenda Management Unit**

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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

\* 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.