



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, April 25, 2013

10:45 AM

City Council Chambers - 3rd Floor

Roll Call / Call to Order

Present: Vice Mayor Reid, Council President Kernighan, Member Schaaf and Councilmember Kalb

The Oakland City Council Rules and Legislation Committee convened at 11:03 A.M., with Council President Kernighan presiding as Chairperson.

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:**

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

At this time a closed session was scheduled for Tuesday, April 30, 2013 from 2:30 - 5:30 P.M.

2 Approval Of The Draft Minutes From The Committee Meeting Of April 11, 2013

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

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

3 Determination Of Schedule Of Outstanding Committee Items

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

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

[rules042513item3](#)

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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: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

S-4.1 Subject: Port Security Grant Program Funds
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1. Accept, Appropriate And Administer Supplemental Fiscal Year 2008 PSGP Grant Award Funds In An Amount Up To Two Hundred And Eighty Thousand Dollars (\$280,000) For A Cumulative FY 08 PSGP Grant Award Allocation Amount Not To Exceed One Millions Two Hundred Thousand Nine Hundred Forty Two Dollars (\$1,224,942); And 2. Approve The Preliminary Spending Plan; And 3. Expend Funds In Accord With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases Approved In The Federally Authorized Equipment List, Provided City Competitive Solicitation And Purchasing Programs/Policies Are Followed
[12-0462](#)

Scheduled to *Public Safety Committee on 5/14/2013

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[84381 CMS.pdf](#)

S-4.2 Subject: FY 2013-2014 Wildfire Prevention Assessment District - Intention
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The FY Year 2013-14 Preliminary Annual Report For The City Of Oakland Wildfire Prevention Assessment District, And Setting June 4, 2013 As The Date For A Public Hearing
[12-0448](#)

Scheduled to *Finance & Management Committee on 5/14/2013

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S-4.3 Subject: Lease Financing Of The LED Streetlight Project
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Oakland City Council Resolution Authorizing Lease Financing Of The LED Streetlight Project Authorized By Resolution No. 84186 C.M.S. With A Financial Institution Selected By Competitive Process, In An Amount Not To Exceed \$16,500,000 Through: (1) Execution And Delivery Of City Of Oakland 2013 Certificates Of Participation (LED Streetlight Acquisition), Comprised Of Series A (Federally Taxable Qualified Energy Conservation Bonds - Direct Payment) And Series B (Tax Exempt); Or (2) Execution Of Lease/Purchase Agreements And Related Agreements And Documents; And (3) Authorizing The City Administrator To Enter Such Lease Financing Arrangements In Substantially The Form Of The Agreements And Documents On File With The City Clerk Relating To The Selected Lease Financing Arrangement, Which Documents May Include One Of More Of The Following: A Trust Agreement, A Lease, Sublease, A Lease/Purchase Agreement, A Paying Agent Agreement And Ancillary Security Documents; (4) Confirming The Selection Of Special Counsel And Financial Advisor; (5) Authorizing Payment Of Related Costs; (6) Declaring Intention To Reimburse Expenditures; (7) Authorizing Modification To Agreements And Documents; And (8) Ratifying Prior Actions And Authorizing The City Administrator To Take Necessary Actions In Connection Therewith

[12-0449](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.4 Subject: FY Year 2013-2014 Landscaping & Lighting Assessment District - Intention
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Of Intention To Levy Assessments, Acceptance Of The FY 2013-14 Preliminary Engineer's Report For The City Of Oakland Landscaping And Lighting Assessment District, And Setting June 4, 2013 As The Date For A Public Hearing

[12-0450](#)

Scheduled to *Finance & Management Committee on 5/14/2013

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S-4.5 Subject: Single Audit Report For The Year Ended June 30, 2012
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Presenting The Single Audit Report For The Year Ended June 30, 2012

[12-0451](#)

Scheduled to *Finance & Management Committee on 5/14/2013

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S-4.6 Subject: 2013-2014 Tax And Revenue Anticipation Notes
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The Sale Of 2013-2014 Tax And Revenue Anticipation Notes In An Amount Not To Exceed One Hundred Million Dollars (\$100,000,000); Authorizing The Execution And Delivery Of Related Documents And Approving Certain Related Actions
[12-0453](#)

Scheduled to *Finance & Management Committee on 5/14/2013

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[84389 CMS.pdf](#)

S-4.7 Subject: Extension Of Emergency Ordinance For Crematoria
From: Department Of Planning & Zoning
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Emergency Ordinance, Pursuant To Charter Section 213, Establishing Interim Controls That Require A Major Conditional Use Permit To Establish A Crematorium, As It Is Currently Defined As Manufacturing And Industrial Usage To Remain In Effect Through May 10, 2013, Or When Permanent Regulations Are Adopted, Whichever Occurs First
[12-0463](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.8 Subject: Contributions For Mayor's Summer Jobs Program
From: Office Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grants And Contributions To The City For The Mayor's Summer Jobs Program, And Contract With And Disburse Such Funds To Current Youth Service Providers For Summer Employment Services For Youth Or Program Support Services, Without Returning To Council
[12-0464](#)

Scheduled to *Community & Economic Development Committee on 5/14/2013

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[84373 CMS.pdf](#)

S-4.9 Subject: Broadway Transit Study
From: Office Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With Fehr & Peers To Complete The Broadway Transit Urban Circulator Study In An Amount Not To Exceed \$329,200, Using \$299,200 In Caltrans Urban Transit Grant Funds Previously Appropriated By The City Council To Complete This Study, And A Local Match Of \$30,000 In Prior Year Economic Development Allocations Of Community Development Block Grant Funds
[12-0465](#)

Scheduled to *Community & Economic Development Committee on 5/14/2013

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[84374 CMS.pdf](#)

S-4.10 Subject: Kiva Zip Microlending
From: Offices Of Economic And Workforce Development, Councilmember Libby Shaaf
 and City Attorney
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An
Agreement With Kiva Microfunds, A California Non-Profit Public Benefit Corporation
("Kiva") To Identify And Recommend Small Businesses In Oakland For Kiva Zip's
Microlending Platform
[12-0466](#)

**Scheduled to *Community & Economic Development Committee on
5/14/2013**

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S-4.11 Subject: Settlement Agreement - Sui Bill Lee
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Claim Of Sui Bill Lee, City Attorney's Claim No. C29454, In The
Amount Of Six Thousand Eight Hundred Forty And 00/100 Dollars (\$6,840.00) (Public Works
Agency - City Tree Roots)
[12-0468](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.12 Subject: Settlement Agreement - Jaymes Evans
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Jaymes Evans, Et Al. v. City Of Oakland, Et Al.,
Alameda County Superior Court Case No. RG11-610704 In The Amount Of \$10,00.00 As A
Result Of A Motor Vehicle Collision On High Street And Courtland Avenue (Oakland Police
Department - Motor Vehicle Collision)
[12-0469](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.13 Subject: Settlement Agreement - Jacqueline Dixon
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Jacqueline Dixon v. City Of Oakland, Et Al, Alameda
County Superior Court Case No. RG11-559368, In The Amount Of Sixty-One Thousand
Six-Hundred Sixty-Seven Dollars And No Cents (\$61,667.00) As A Result Of A Fall On A City
Sidewalk At 2859 Mandela Parkway On June 10, 2009 (Public Works Agency - Trip And Fall)
[12-0470](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.14 Subject: Workers' Compensation Program Second Quarter Report
From: Department Of Human Resources Management
Recommendation: Receive The Second Quarter Informational Report Regarding The City's
Workers' Compensation Program For Fiscal Year 2012-2013
[12-0467](#)

Scheduled to *Finance & Management Committee on 5/14/2013

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S-4.15 Subject: National Public Works Week
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Celebrating The Week Of May 19-25, 2013 As
National Public Works Week In The City Of Oakland
[12-0452](#)

Scheduled to Meeting of the Oakland City Council on 5/21/2013

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S-4.16 Subject: Appropriation of Federal Highway Safety Grant Funds
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee,
The Director Of Public Works, To Accept And Appropriate Two Million Dollars
(\$2,000,000.00) In Highway Safety Improvement Program Cycle 5 (HSIP-5) Grant Funds, For
Roadway Safety Improvements On West Macarthur Boulevard, 98th Avenue, And At Market
Street/Adeline Street
[12-0454](#)

Scheduled to *Public Works Committee on 5/14/2013

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S-4.17 Subject: Transportation Development Act Article 3 Funds Approval
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,
Accept, And Appropriate Up To Three Hundred Forty-Seven Thousand Six Hundred
Thirty-Nine Dollars (\$347,639.00) In Fiscal Year 2013-14 State Transportation Development
Act Article 3 Funds As Follows: (1) Bicyclist Safety Education Classes, Twenty-Five Thousand
Dollars (\$25,000.00); (2) Stanford Avenue Crossing At Lowell Street, One Hundred Twelve
Thousand Dollars (\$112,000.00); (3) Pedestrian Stairs And Paths Rehabilitation Projects, Two
Hundred Ten Thousand Six Hundred Thirty-Nine Dollars (\$210,639.00)
[12-0455](#)

Scheduled to *Public Works Committee on 5/14/2013

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S-4.18 Subject: Safe Routes To School Cycle 10 Grant Funds
From: Public Works Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, The Director Of Public Works, To Accept And Appropriate Two-Hundred Sixteen Thousand Dollars (\$216,000) In Safe Routes To Schools Cycle 10 Grant Funds For Pedestrian Safety Improvements Near Parker Elementary School, World Academy, Achieve Academy, Urban Promise Academy, And Elmhurst Community Prep School
[12-0456](#)

Scheduled to *Public Works Committee on 5/14/2013

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S-4.19 Subject: Support For Projects Submitted In The ACTC Coordinated Call For Projects
From: Public Works Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And Appropriate Twenty Million And Fourteen Thousand Dollars (\$20,014,000.00) In Metropolitan Transportation Commission ("MTC") Discretionary Funding; And (B) Commit Matching Funds Of Two Million Five Hundred Ninety-Four Thousand Dollars (\$2,594,000.00) For The Oakland Pavement Rehabilitation, The Lakeside Green Street, The Lake Merritt Bart Bikeways, The 7th Street West Oakland Transit Village Phase II, And The MLK Jr. Way & Peralta Phase I; And
[12-0457](#)

Scheduled to *Public Works Committee on 5/14/2013

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2) A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And Appropriate Up To Four Hundred Sixty-Five Thousand Dollars (\$465,000.00) In Alameda County Transportation Commission ("ACTC") Measure B And Vehicle Registration Fee Grant Funding; (B) Enter Into A Grant Funding Agreement With The ACTC; And (C) Commit Matching Funds Not To Exceed One Hundred Thirteen Thousand Dollars (\$113,000.00), For The Fruitvale Alive Gap Closure Streetscape Study And The Broadway Shuttle Project
[12-0457-1](#)

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S-4.20 Subject: Honoring American Indian Public High School
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Students, Teachers, And Parents Of American Indian Public High School (AIPHS) For Their Academic Achievements And For Their Contributions To American Indian Public High School's Recognition As The Nation's Best High School In 2013
[12-0471](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.21 Subject: Honoring Oakland Charter High School
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Acknowledging Oakland Charter High School (OCHS) For Its Academic Achievements And For Its Recognition As The Highest Performing High School In Oakland In 2011-2012
[12-0472](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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S-4.22 Subject: Establishing Ad-Hoc Committee
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution To Establish An Ad-Hoc Committee Composed Of Three City Councilmembers To 1) Review Governance Policies, 2) Make Governance Policy Recommendations, And 3) Report Back Such Recommendations To The Full City Council Within Six (6) Months; On The May 16, 2013 Rules & Legislation Committee Agenda
[12-0474](#)

A motion was made by Member Schaaf, seconded by Vice Mayor Reid, that this matter be Denied. The motion carried by the following vote:

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

S-4.23 Subject: MOU With The CHP For Crime Suppression Assistance
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To Extend The Memorandum Of Understanding (MOU) With The California Highway Patrol (CHP) For Ninety (90) Days Of Crime Suppression Assistance Whereby CHP Will Deploy 10 Officers In Five, Double Unit Patrol Vehicles And Two Sergeants In A Supervisor Vehicle, Up To Four Days Per Week, At A Cost Not To Exceed Five Hundred And Fourteen Thousand Dollars (\$514,000), With One Option To Renew For An Additional 90 Days For A MOU Extension Total Amount Not To Exceed One Million And Twenty Eight Thousand Dollars (1,028,000), Subject To The Availability Of Funds As Appropriated By The Council
[12-0473](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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[84345 CMS.pdf](#)

S-4.24 Subject: Creation Of Library Advisory Commission Standing Committee
From: The Oakland Public Library
Recommendation: Adopt A Resolution Approving The Creation Of The Advocacy Committee
As A Standing Committee Of The Library Advisory Commission
[12-0459](#)

Scheduled to *Life Enrichment Committee on 5/14/2013

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S-4.25 Subject: Annual Report Of The Library Advisory Commission
From: Oakland Public Library
Recommendation: Receive The Annual Report Of The Library Advisory Commission
[12-0460](#)

Scheduled to *Life Enrichment Committee on 5/14/2013

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S-4.26 Subject: Fiscal Year 2013-2015 Budget Workshop
From: Council President Patricia Kernighan
Recommendation: Discussion And Possible Action On The Proposed Budget For The Fiscal
Year 2013-2015
[12-0433-1](#)

***Withdrawn and Rescheduled to Meeting of the Oakland City Council on
6/13/2013**

S-4.27 Subject: Municipal Clerk's Week
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Declaring May 5, 2013 Through May 11, 2013
Municipal Clerk's Week In The City Of Oakland
[12-0458](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

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[rules042513item4](#)

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Items Brought On The Dais

Subject: Alameda County Mosquito Abatement District Board Appointment - Anders
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Appointing Elizabeth Anders As The City Of
Oakland's Trustee To The Alameda County Mosquito Abatement District Board
[12-0432](#)

Scheduled to Meeting of the Oakland City Council on 5/7/2013

As a Non-Consent item.

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[84352 CMS.pdf](#)

Subject: Councilmembers' Role In Conduct Of City Governance Report
From: Council President Patricia Kernighan
Recommendation: Receive An Informational Report And Discussion Of The Appropriate Role Of Councilmembers And Council Staff In The Conduct Of City Governance As It Pertains to Sections 210 And 218 Of The Oakland City Charter, And What Policies And Procedures Are In Place Or Could Be Improved To Ensure Adherence To City Charter Mandates And Prohibitions
[12-0434](#)

Scheduled to Meeting of the Oakland City Council on 5/21/2013

5 A Review Of The Council Committees' Actions From April 23, 2013 And Determination Of Scheduling To The City Council Meeting Of May 6, 2013 (MATRIX)

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: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

Matrix Item 7 on the April 23, 2013 Finance and Management Committee will include language provided by Oakland Rising which was also included in the amendment.

[rules042513item5](#)

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6 A Review Of The Draft Agendas For The Meeting Of The Oakland City Council On May 6, 2013 And The Rules & Legislation Committee Meeting On May 8, 2013

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: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

Subject: Independent Auditor's Report
From: Vice Mayor Larry Reid
Recommendation: Consider A Request For An Outside, Full, Forensic, And Independent Auditor's Report Focusing On Section 218 (Non-Interference In Administrative Affairs) Of The Performance Audit Dated March 21, 2013 And Released From The Office Of Courtney Ruby On March 21, 2013
[12-0445](#)

***Withdrawn and Rescheduled to Meeting of the Oakland City Council on 5/21/2013**

[rules042513item6](#)

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OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)

There was one speaker on 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 11:52 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.

Office of the City Clerk - Agenda Management Unit
Phone: (510) 238-3226
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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