



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 24, 2014

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:

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
 - 2 Approval Of The Draft Minutes From The Committee Meeting Of April 3, 2014
 - 3 Determination Of Schedule Of Outstanding Committee Items
([Rules042414Item3](#))
 - 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas
(SUPPLEMENTAL)
- S-4.1 Subject: AFG Wellness Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To Enter Into An Agreement With U.S. Department Of Homeland Security's

Federal Emergency Management Agency (FEMA) To Accept, Appropriate, And Administer Assistance To Firefighters Grant (AFG) Program For The Period Of One Year From Award Date In The Amount Of Two Hundred Seventy-Three Thousand Nine Hundred And Four Dollars (\$273,904) With Matching City Of Oakland Funds In The Amount Of Twenty-Seven Thousand Three Hundred And Ninety Dollars (\$27,390) To Pay For Exercise Equipment, And Associated Services And Taxes, To Be Used By Members Of The Fire Department To Enhance Their Ability To Remain Fit For Duty; On The May 13, 2014 Public Safety Committee Agenda
[\(13-0509\)](#)

S-4.2

Subject: Temescal/Telegraph Business Improvement District 2015
From: Economic & Workforce Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution Of Intention To Form The Temescal/Telegraph Business Improvement District 2015 ("TTBID 2015"); Granting Preliminary Approval Of The TTBID 2015 Management Plan 2015; Directing Filing Of The Proposed TTBID 2015 Assessment District Boundary Description; Directing Distribution Of A Ballot To All Affected Property Owners Whereby They Can Vote "In Favor Of" Or "Against" The Proposed TTBID 2015 And Assessment To Determine Whether A Majority Protest Exists; And Scheduling A Public Hearing For July 15, 2014; And
[\(13-0502\)](#)

2) A Resolution Authorizing The City Administrator (1) To Sign The Ballot In Favor Of The Formation Of The Temescal/Telegraph Business Improvement District 2015 ("TTBID 2015") And (2) To Pay \$1,688.22 For The FY 14/15 Assessment For One (1) City-Owned Property On Which Assessments Are To Be Levied (APN 014 1219 003 00 - The Temescal Library) If The TTBID 2015 Is Established; On The May 13, 2014 Community And Economic Development Committee And As Public Hearing On July 15, 2014
[\(13-0502-1\)](#)

S-4.3

Subject: West Oakland Job Resource Center Fiscal Agent
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing An Amendment To The Contract With Urban Strategies Council To Act As The Fiscal Agent For The West Oakland Job Resource Center To Increase The Contract Amount From \$24,991 To \$50,000, And To Extend The Termination Date From June 20, 2014, To November 20, 2014, And Waiving The Advertising, Competitive Bid, And Request For Proposals/Qualifications Process; On The May 13, 2014 Community And Economic Development Committee Agenda
[\(13-0504\)](#)

S-4.4

Subject: Single Audit Report For Fiscal Year 2012-2013
From: Finance Department
Recommendation: Receive The Single Audit Report For Fiscal Year 2012-2013; On The May 13, 2014 Finance And Management Committee Agenda
[\(13-0507\)](#)

- S-4.5 Subject: California State Preschool Program (CSPP) Grant 2014-2015
From: Human Services Department
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 Program (CSPP) Expansion Grant From The California Department Of Education In An Estimated Amount Of \$913,421 For Program Year 2014-2015 To Fund Pre-Kindergarten And Family Literacy Services In Accord With Said Grant From July 1, 2014 To June 30, 2015; On The May 13, 2014 Life Enrichment Committee Agenda [\(13-0517\)](#)
- S-4.6 Subject: Child & Adult Care Food Program (CACFP) 2014-2015
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept And Appropriate The Child And Adult Care Food Program (CACFP) Grant From The California Department Of Education In An Estimated Amount Of \$545,000 To Provide Funding For Nutritious Meals For The City Of Oakland's Head Start Program From September 1, 2014 Through August 31, 2015; On The May 13, 2014 Life Enrichment Committee Agenda [\(13-0518\)](#)
- S-4.7 Subject: East Bay Affordable Housing Week
From: Vice Mayor Reid And Councilmembers Kalb & Gibson McElhaney
Recommendation: Adopt A Resolution Proclaiming May 9 To May 18, 2014 As The 18th Annual East Bay Affordable Housing Week "Built To Last"; On The May 6, 2014 City Council Agenda As A Ceremonial Item [\(13-0494\)](#)
- S-4.8 Subject: Support For CWDA Budget Proposal
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of The California Welfare Director Association's Budget Proposal To Dedicate \$20.3 Million Of General Funds For Prevention, Intervention And Support Services For Victims Of Commercial Sexual Exploitation Of Children And Would Recommend \$14.3 Million In General Funds For Successive Years; On The May 1, 2014 Rules And Legislation Committee Agenda [\(13-0511\)](#)
- S-4.9 Subject: National Small Business Week
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution In Recognition Of May 12 - May 16, 2014 As National Small Business Week; On The May 20, 2014 City Council Agenda [\(13-0512\)](#)
- S-4.10 Subject: ShotSpotter And Its Usage In The City of Oakland
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Oakland Police Department (OPD) That Addresses ShotSpotter (SST) And Its Usage In The City Of Oakland (City); On The May 13, 2014 Public Safety Committee Agenda [\(13-0520\)](#)

- S-4.11 Subject: 7th Street, West Oakland Transit Village
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing The Increase Of The Change Order Limit For The Contract With Gallagher & Burk, Inc. For Construction Of 7th Street, West Oakland Transit Village Streetscape (Project No. G313110) From Fifteen Percent (15%) To Twenty Percent (20%) Of The Original Contract For A Total Contract Amount Not-To-Exceed Three Million Eight Hundred Sixty Thousand Nine Hundred Fifty-Four Dollars (\$3,860,954.00); On The May 13, 2014 Public Works Committee Agenda
[\(13-0514\)](#)
- S-4.12 Subject: On-Call Sanitary Sewer Root Foaming For Fiscal Year 2013-2014
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Award A Construction Contract To Duke's Root Control, Inc., The Only Responsive and Responsible Bidder, For On-Call Sanitary Sewer Root Foaming Services Fiscal Year 2013-2014 (Project No. C457111) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Five Hundred Forty-Four Thousand Three Hundred Seventy Dollars (\$544,370.00); On The May 13, 2014 Public Works Committee Agenda
[\(13-0515\)](#)
- S-4.13 Subject: Sanitary Sewer Rehabilitation
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Authorizing The City Administrator To Award A Construction Contract To J. Howard Engineering, Inc. For The Rehabilitation Of Sanitary Sewers In The Easement Between Shepherd Canyon Road And Moore Drive, And In Larry Lane Between Ascot Drive And Mastlands Drive (Project No. C329138) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Four Hundred Fifty-Six Thousand Nine Hundred Thirty-Nine Dollars (\$456,939.00); And
[\(13-0516\)](#)
 - 2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Beliveau Engineering Contractor, Inc. For The Rehabilitation Of Sanitary Sewers At Lakeside Park Boat House (Project No. C455611) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of One Hundred Sixty-Four Thousand Sixty Dollars (\$164,060.00); And
[\(13-0516-1\)](#)
 - 3) A Resolution Authorizing The City Administrator To Award A Construction Contract To Pacific Trenchless, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Broadway, Golden Gate Avenue And Contra Costa Road (Project No. C329134) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Nine Hundred Fifty-Seven Thousand Thirty-Five Dollars (\$957,035.00); And
[\(13-0516-2\)](#)

4) A Resolution Authorizing The City Administrator To Award A Construction Contract To J. Howard Engineering, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Ostrander Road And Broadway Terrace, And The Easement By Margarido Drive (Project No. C329137) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Two Hundred Ninety-Three Thousand Four Hundred Fifty-Two Dollars (\$293,452.00); On The May 13, 2014 Public Works Committee Agenda
[\(13-0516-3\)](#)

S-4.14 Subject: Transportation Development Act Article 3 Funds Approval
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Up To Three Hundred Thirty-One Thousand Two Hundred Eighty-One Dollars (\$331,281.00) In Fiscal Year 2014-2015 State Transportation Development Act Article 3 Funds As Follows: (1) Bicyclist Signage Program, Seventy-Five Thousand Dollars (\$75,000.00); (2) Bicyclist Safe Storm Drain Inlet Program, Seventy-Five Thousand Dollars (\$75,000.00); (3) Rehabilitation Of The Short Cut Stair Path At Alvarado Road, One Hundred Eighty-One Thousand Two Hundred Eighty-One Dollars (\$181,281.00); On The May 13, 2014 Public Works Committee Agenda
[\(13-0519\)](#)

S-4.15 Subject: Fiscal Year 2014-2015 Midcycle Budget Amendments
From: Office Of The City Administrator
Recommendation: Request To Schedule A Series Of Special City Council Meetings To Discuss And Adopt Modifications To The Fiscal Year 2014-2015 Midcycle Budget And Related Legislation On June 5, 2014, June 19, 2014 And June 26, 2014 (SEE ATTACHED FOR DETAILS)
[\(13-0480\)](#)

S-4.16 Subject: Restricting 2% of Cable Franchise Fee Revenues for KTOP
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance To Re-Establish A Restriction On Two Percent (2%) Of The Five Percent (5%) Cable Franchise Fee Revenues, For KTOP-TV And Cable-Related Expenditures; On The May 13, 2014 Finance And Management Committee Agenda
[\(13-0503\)](#)

S-4.17 Subject: Fiscal Year 2014-2015 LLAD Intention To Levy Assessments
From: Office of the City Administrator
Recommendation: Adopt A Resolution Of Intention to Levy Assessments, Acceptance of the Fiscal Year 2014-2015 Preliminary Engineer's Report for the City Of Oakland Landscaping And Lighting Assessment District; And Setting June 2, 2014 As The Date For A Public Hearing; On The May 13, 2014 Finance & Management Committee Agenda And As A Public Hearing on June 2, 2014
[\(13-0505\)](#)

S-4.18 Subject: Code for America Fellowship 2.0
From: Office Of The City Administrator

Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Enter Into A Professional Services Agreement With Code For America For Phase I Of The "Digital Front Door" Project, Also Known As Code For America Fellowship 2.0, In An Amount Not To Exceed \$75,000; 2) Pending Council Approval And Allocation Of Funds In The Fiscal Year 2014-2015 Policy Budget, Enter Into A Professional Services Agreement For Phase II Of Code For America Fellowship 2.0 In An Amount Not To Exceed \$125,000; And 3) Waive The Competitive Request For Proposals/Qualifications (RFP/Q) Process; On The May 13, 2014 Finance And Management Committee Agenda [\(13-0506\)](#)

S-4.19 Subject: City Of Oakland 2014-2015 Tax And Revenue Anticipation Notes
From: Office of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Providing For The Borrowing Of Funds For Fiscal Year 2014-2015 In An Amount Not To Exceed Seventy-Five Million Dollars (\$75,000,000) And The Issuance And Sale Of 2014-2015 Tax And Revenue Anticipation Notes Therefor And Approving Certain Related Matters; And [\(13-0508\)](#)

2) A Resolution Authorizing The Sale Of 2014-2015 Tax And Revenue Anticipation Notes In An Amount Not To Exceed Seventy-Five Million Dollars (\$75,000,000); And Authorizing The Execution And Delivery Of Related Documents And Approving Certain Related Actions [\(13-0508-1\)](#)

S-4.20 Subject: Fourth Quarterly Report From The Measure Y Oversight Committee
From: Office Of The City Administrator
Recommendation: Receive The Fourth Quarterly Report From The Measure Y Oversight Committee (2014); On The May 13, 2014 Public Safety Committee Agenda [\(13-0510\)](#)

S-4.21 Subject: Annual Cannabis Regulatory Commission Report For 2013
From: Office Of The City Administrator
Recommendation: Receive The Annual Report From The Cannabis Regulatory Commission (Formerly Named The Measure Z Oversight Committee) To The Oakland City Council For Calendar Year 2013; On The May 13, 2014 Public Safety Committee Agenda [\(13-0513\)](#)

S-4.22 Subject: Settlement Agreement- Elba Sandoval 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 Sandoval v. City Of Oakland, Et Al., Alameda Superior Court Case No. HG12611690, City Attorney's File No. X03775, In The Amount Of Thirty Thousand Dollars (\$30,000.00) (Public Works Agency - Employment Discrimination); On The May 6, 2014 City Council Agenda [\(13-0521\)](#)

S-4.23 Subject: Settlement Agreement - Marilyn Johnson 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 Marilyn Johnson v. City Of Oakland, Allen Henry And Selina Henry, Alameda County Superior Court Case No. RG11-604205, City Attorney's File No. 28468, In The Amount Of Thirty-Six Thousand Dollars And No Cents (\$36,000.00) (Public Works Agency - Trip And Fall); On The May 6, 2014 City Council Agenda
[\(13-0522\)](#)

S-4.24 Subject: Settlement Agreement - 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 GE Funding Capital Market Services, Inc., Trinity Funding Co., LLC, And Trinity Plus Funding Co., (Collectively "GE") Of \$281,750, In Exchange For Dismissal Of The Lawsuit By The City; On The May 6, 2014 City Council Agenda
[\(13-0523\)](#)

S-4.25 Subject: Settlement Agreement - State Farm Insurance/Christian Puscasi
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of State Farm Insurance Company As Subrogee For Christian Puscasi, City Attorney's Claim No. C29946, In The Amount Of Seventeen Thousand Two Hundred Fifty-Two Dollars And Eighty-Eight Cents (\$17,252.88) (Public Works Agency - Auto Collision); On The May 6, 2014 City Council Agenda
[\(13-0524\)](#)

S-4.26 Subject: Settlement Agreement - Scott Olsen 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 Scott Olsen v. City Of Oakland, Et Al., United States District Court Case No. C12-06333-SI In The Amount Of \$4,500,000.00 As A Result Of Injuries Sustained During Crowd Control Efforts During An Occupy Event On October 25, 2011; On The May 6, 2014 City Council Agenda
[\(13-0526\)](#)

S-4.27 Subject: Support For Measure AA: Extending Tax For Health Care Services
From: Council President Kernighan And Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of The Alameda County Measure AA, Essential Healthcare Services Measure, On The June 3, 2014 Ballot, Which Will Extend The Half Cent Sales Tax Increase That Was Passed By Voters In 2004 For The Purposes Of Providing Emergency And Preventative Health Care Services For All Alameda County Residents; On The May 8, 2014 Rules & Legislation Committee Agenda
[\(13-0501\)](#)
[\(Rules042414Item4\)](#)

5 A Review Of The Draft Agendas For The City Council Meeting Of May 6, 2014 And The Rules And Legislation Committee Of May 8, 2014

[\(Rules042414Item5\)](#)

- 6 Subject: Support For AB 1661: Healthy Options For Everyone (HOPE) Act
From: Vice Mayor Larry Reid
Recommendation: Adopt A A Resolution Supporting Assembly Bill 1661 The Healthy Options For Everyone (HOPE) Act Of 2014: Elimination Of Food Deserts (Bonta)
[\(13-0459\)](#)
- 7 Subject: Support For AB 1629: Extending Peer Counseling Services
From: Councilmembers Gallo And Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1629 (Bonta) Which Extends Peer Counseling Services And Reimbursement Under The Victims Compensation Fund (VCF) To Victims Of All Violent Crimes
[\(13-0467\)](#)
- 8 Subject: Support For AB 1585: Dealing With Victims Of Human Trafficking
From: Councilmembers Kalb And Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of State Assembly Bill (AB) 1585 (Alejo) That Would Provide For Someone Who Has Been Convicted Of Prostitution Or Solicitation With The Ability To Have That Conviction Set Aside If That Person Can Establish, By Clear And Convincing Evidence, That The Conviction Was The Result Of Being A Victim Of Human Trafficking; And Makes Appropriate Amendments And Additions To The CA Family And Penal Codes
[\(13-0470\)](#)
- 9 Subject: Support For AB 1609: Dealing With Out-Of-State Gun Trafficking
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of State Assembly Bill (AB) 1609 (Alejo) That Would Require That Any California Resident Who Intends To Own Or Possess A Firearm In The State That Is Acquired From Out Of The State Have The Firearm Delivered To A Licensed Dealer Before Transferring Possession, Subject To Existing Waiting Period, Background Check, And Handgun Safety Requirements In Law
[\(13-0471\)](#)
- 10 Subject: Support For AB 2591: Basic Material Needs Assistance Program
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2591 (Weber & Skinner), Basic Material Needs Assistance Program For Homeless Children
[\(13-0468\)](#)
- 11 Subject: Support For SB 1165: Sexual Abuse & Sex Trafficking Prevention Education
From: Councilmember Lynette Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of State Senate Bill (SB) 1165 Which Would Recommend The Addition Of Sexual Abuse And Sex Trafficking Prevention Education To The Sexual Health Education For California's Junior High And High School Students And Include Sexual Abuse And Sex Trafficking Prevention Education In Subsequent Revisions To The Health Framework For California Public Schools
[\(13-0492\)](#)

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.

Office of the City Clerk - Agenda Management Unit
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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.

**LaTonda Simmons
City Clerk and
Clerk of the Council**