



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 - FINAL

*Rules & Legislation Committee

*Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland,
California, 94612*

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, October 2, 2014

10:45 AM

City Council Chambers - 3rd Floor

*The Oakland City Council Rules & Legislation Committee convened at 11:00 a.m.,
with Council President Kernighan presiding as Chairperson.*

Roll Call / Call To Order

Excused 1 - Libby Schaaf

Present 3 - Laurence E. Reid, Patricia Kernighan, and Dan Kalb

1 Determinations Of Closed Session

A Special Closed Session has been scheduled for 2:30 p.m. on October 7, 2014.

*Councilmember Kalb made a motion, seconded by Vice Mayor Reid, to approve
as submitted. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.*

2 Approval Of The Draft Minutes From The Committee Meeting Of September 18, 2014.

*Councilmember Kalb made a motion, seconded by Vice Mayor Reid, to approve
as submitted. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.*

3 Determination Of Schedule Of Outstanding Committee Items

*Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve
as submitted. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.*

[Rules100214Item3](#)

Attachments: [View Report.pdf](#)

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

*Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve
as amended. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.*

4.1 Subject: Amending Medical Cannabis Dispensary Permit Regulations
From: Councilmember Dan Kalb And President Pro Tempore Rebecca Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80 "Medical Cannabis Dispensary Permits" To (A) Increase The Total Number Of Dispensary Permits From Eight (8) To Twelve (12); And (B) To Make Changes To The Distance Requirements; And
[14-0079](#)

Vice Mayor Reid made a motion, seconded by Council President Kernighan, to not schedule the item. The motion passed with a vote of 2 Ayes, 1 Abstention - Kalb, and 1 Excused - Schaaf.

2) A Resolution (A) Authorizing The Creation Of A Non-Smoking On-Site Consumption Permit System; And (B) Directing City Administrator Or His/Her Designees To Create An Administrative Process To Approve Ancillary Non-Retail Sites For Dispensaries; On The October 28, 2014 Finance & Management Committee Agenda
[14-0079-1](#)

4.2 Subject: Exclusive Negotiating Agreement For 2101 Telegraph Avenue
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With TB2 Retail Complex, LLC Or A Related Entity, For Development Of A Mixed-Use Project On City owned Property Located At 2100 Telegraph Avenue; And Authorizing An Exclusive Negotiating Period Of Two Years And One Optional Six-Month Administrative Extension
[14-0070](#)

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4.3 Subject: Semi-Annual Vacancy Report
From: Human Resources Management Department
Recommendation: Receive An Informational Report On Budgeted Vacant Positions As Of April 28, 2014
[14-0065](#)

Attachments: [View Report.pdf](#)

- 4.4** Subject: Amending Salary Ordinance To Create Fleet Compliance Coordinator
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Create The Classification Of Fleet Compliance Coordinator
[14-0066](#)
Attachments: [View Report.pdf](#)
- 4.5** Subject: Amending Salary Ordinance To Create Fire Fighter Paramedic Trainee
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Create The Classification Of Fire Fighter Paramedic Trainee
[14-0067](#)
Attachments: [View Report.pdf](#)
- 4.6** Subject: Oakland Head Start WestEd Training & Technical Assistance
From: Human Services Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Execute A Professional Services Agreement With WestEd For Specialized Training & Technical Assistance For Head Start Staff On The Social And Emotional Foundations Of Early Learning In An Amount Not To Exceed \$7,500 For Program Year 2014-2015, And 2) Waiving The Competitive Request For Proposal/Qualifications Process
[14-0071](#)
Attachments: [View Report.pdf](#)
- 4.7** Subject: Oakland Head Start Raising A Reader Program
From: Human Services Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Execute A Professional Services Agreement With Raising A Reader To Provide Ongoing Training & Technical Support For Head Start Program, In An Amount Not To Exceed \$15,000 For The Program Year 2014-2015, And 2) Waiving The Competitive Request For Proposal/Qualifications Process
[14-0072](#)
Attachments: [View Report.pdf](#)

4.8 Subject: OPD Implementation Of OPD IPAS2
From: Information Technology Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Sierra-Cedar, Inc. (Formerly Sierra Systems, Inc.) In The Amount Of Five Hundred Forty Thousand Dollars (\$540,000) For Phase 2 As-Needed Technical And Project Management Services For A Second Generation Early Warning System For The Oakland Police Department (The "IPAS2 Project"); And

[14-0064](#)

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2) A Resolution: 1. Awarding A Contract To Microsoft Corporation In An Amount Of Two Million Two Hundred Thousand Dollars (\$2,200,000) For The Design, Development, And Implementation Of The Oakland Police Department's Second Generation Early Warning System And Technology Platform ("IPAS2 ") Project, And 2. Authorizing: (A) The City Administrator To Award Contracts Up To A Total Amount Of One Million, Forty-Five Thousand Dollars (\$1,045,000) To Purchase Hardware, Software And Professional Services To Build The IPAS2 Project Infrastructure Without Return To Council, Contingent On Council Authorization Of The Appropriation Described Below; And (B) The Appropriation Of An Additional Amount Of Eight Hundred And Eighty Seven Thousand Five Hundred Dollars (\$887,500) To Be Used To Purchase Hardware, Software And Professional Services For The IPAS2 V Project; And (C) Waiving The City's Advertising, Bid And Request For Proposal (RFP) Requirements For The Above Purchases, Provided That Prior To Expenditure Of Any Funds Staff Will Award Contracts And Establish Contract Amounts For The Controller's Bureau

[14-0064-1](#)

4.9 Subject: Recognizing Samee Roberts
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring And Recognizing Samee Roberts, Marketing Manager, Cultural Arts And Marketing, For Her Accomplishments Upon Her Retirement From The City Of Oakland After 28 Years Of Dedicated Service To The Residents Of Oakland; On The November 18, 2014 City Council Agenda As A Ceremonial Item

[14-0048](#)

As A Ceremonial Item

4.10 Subject: Accountability & Transparency In High-Stakes Negotiations Act
From: Councilmember Libby Schaaf And The Office Of The City Attorney
Recommendation: Adopt The Accountability And Transparency In High Stakes Negotiations Policy Resolution Amending Rule 25 Of The Council's Rules Of Procedure, Resolution No. 82580 C.M.S. And Resolution No. 84758 C.M.S., To Require City Councilmembers Appointed To Serve On Boards, Commissions, Agencies, Joint Powers Authorities, ("Representatives") To: (1) Notify The City Council As Soon As High-Stakes Negotiations Commence; (2) Provide Real-Time Reports On High-Stakes Negotiations And Annual Reports On General Business; And (3) Participate In Training Regarding Their Duties And Obligations Of Representation Within 30 Days Of Appointment

[13-0744](#)

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4.11 Subject: Establish 1% For Public Art In Private Development Projects
From: Councilmember Libby Schaaf
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Adopt Chapter 15.70 Public Art Requirements, Which Establishes A New Requirement Of .5% For Residential Or 1% For Nonresidential Of Private Development Project Costs For Public Art And Codifies An Existing Requirement Of 1.5% Of The City's Capital Improvement Project Costs For Public Art, Adopted By The City Council Through Ordinance No. 11086 C.M.S.

[14-0036](#)

Attachments: [View Report.pdf](#)

4.12 Subject: Report On Efforts To Trace Guns Used In Crimes
From: Councilmember Libby Schaaf
Recommendation: Receive An Informational Report From The Office Of The Chief Of Police On Efforts To Trace Guns Used In Crimes; On The October 28, 2014 Public Safety Committee Agenda

[14-0050](#)

4.13 Subject: Recognizing Garfield Neurobehavioral Center
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing Garfield Neurobehavioral Center For Exemplary Services Provided To Oakland Residents And For Being A Continuous Community Clean Up Partner
[14-0075](#)

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[View Supplemental Report.pdf](#)

As A Ceremonial Item

4.14 Subject: OPD 2014 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Four Hundred Ninety One Thousand And Thirty-Four Dollars (\$491,034) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2014 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department; And 2) Waive The Advertising And Competitive Bidding Requirements For The Purchases Of DNA Training, DNA Typing Supplies And Evidence Temperature Monitored Freezers In The Amount Of Forty-Two Thousand Four Hundred And Two Dollars (\$42,402) From VWR/ Fisher/ USA Scientific/ Aurora Biomed, The Amount Of Forty Thousand Six Hundred Dollars (\$40,600) From Life Technologies (A.K.A. Thermo Fisher), Twenty-Four Thousand Two Hundred Twenty Five Dollars (\$24,225) From QIAgen, Four Thousand Nine Hundred Fifty Dollars (\$4,950) From University Of Florida / McCrone, And Sixty Eight Thousand One Dollars (\$68,001) From Promega
[14-0063](#)

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4.15 Subject: Street Pavement Prioritization Plan
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Establishing A Prioritization Plan For The City Of Oakland's Street Pavement Rehabilitation Program
[14-0069](#)

Attachments: [View Report.pdf](#)

4.16 Subject: FY 2013-2014 Annual Report On Grants Up To \$50,000
From: Office Of The City Administrator
Recommendation: Receive The Annual Informational Report From The City Administrator On The Acceptance And Appropriation Of Restricted Grant Funds, Gifts And Donations Of \$50,000 Or Less For The Period July 1, 2013 Through June 30, 2014
[14-0068](#)

Attachments: [View Report.pdf](#)

4.17 Subject: 25th Anniversary Of The Loma Prieta Earthquake
From: Office Of The Mayor
Recommendation: Adopt A Resolution Recognizing The 25th Anniversary Of The Loma Prieta Earthquake
[14-0077](#)

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[85187 CMS.pdf](#)

Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve the urgency finding on item 4.17 for the following reasons: 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 a purely ceremonial or commendatory action.

4.18 Subject: Recognizing The 9th Graduating Class Of The Oakland City Academy
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Recognizing The Ninth Graduating Class Of The Oakland City Academy; On The November 18, 2014 City Council Agenda As A Ceremonial Item
[14-0049](#)

As A Ceremonial Item

4.19 Subject: United Nations Flag Parade And Flag Day Resolution
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Designating October 18-25, 2014 As United Nations Peace Week And October 18, 2014 As United Nations Flag Parade And Flag Raising Day At The United Nations Pole In Jack London Square
[14-0073](#)

Attachments: [View Report.pdf](#)
[85186 CMS.pdf](#)

As A Ceremonial Item

Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve the urgency finding on item 4.19 for the following reasons: 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 a purely ceremonial or commendatory action.

4.20 Subject: Appointments To National League Of Cities' 2013 Business Meeting
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Designating Council President Patricia Kernighan As The City Of Oakland's Voting Delegate And Council Member Noel Gallo As The City Of Oakland's Alternate Voting Delegate To The National League Of Cities' Annual Business Meeting, Scheduled To Take Place In Austin On November 22, 2013
[14-0074](#)

Attachments: [View Report.pdf](#)

As A Consent Item

4.21 Subject: Graffiti Task Force Report
From: Council President Patricia Kernighan
Recommendation: Receive An Informational Report On Progress Of The Administration's Graffiti Task Force; On The November 12, 2014 Community & Economic Development Committee Agenda
[14-0076](#)

4.22 Subject: Agricultural Regulations & Other Planning Regulation Changes
From: Councilmembers Kaplan, Kalb And Gibson McElhaney
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Update The City's Agricultural Regulations; And Make Other Miscellaneous Planning Code Text, Map, And Height Area Amendments, Including But Not Limited To: 1) Clarifying The Process And Exceptions To The Maximum Yard Requirements; 2) Standardizing Design Review Procedure Language; 3) Clarifying The Definitions Of "Live/Work" And "Work/Live"; 4) Streamlining The Process For Allowing Alcoholic Beverage Manufacturers To Sell Their Products On Site; 5) Modifying The Cup Findings For Hotels; 6) Adding "Taxi And Light-Based Fleet Services" To The Activity Chart For The CIX-1, CIX -2, IG, And IO Zones; 7) Modifying The Minimum Lot Frontage And Width Requirements In The CIX -IC And CIX-ID Zones; 8) Clarifying The Application Of The S-19 Combining Zone; 9) Adding Height Area Designations To Certain CC Zoned Parcels In West Oakland; 10) Changing The Zoning From CIX-IA To CIX-IB For Certain Properties In The 3rd And 7th Street Corridors In West Oakland; 11) Adding The T Overlay To Two Blocks Between 3rd And 5th, Market And Brush Streets; 12) Adjusting The Boundary Between The CC-2 And RM-2 Zones Near The Intersection Of 7th And Peralta Streets; 13) Modifying The Regulation Of Pharmacies In The D-BV Zones; 14) Amending The Wood Street Zoning District Development Standards In Support Of Redevelopment Of The 16th Street Train Station; And 15) Making Other Minor Zoning Text Changes To Improve The Clarity Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations

[13-0328](#)

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And As A Public Hearing On October 21, 2014

4.23 Subject: Amending The Prompt Payment Ordinance
From: President Pro Tempore Kaplan And Councilmember Brooks
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.06 To Add Requirements To Make Prompt Disbursements Of Grant Funds To Grant Recipients

[14-0051](#)

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Items Submitted On The Dais

#1 Subject: Legal Protection Of Unaccompanied Children
From: Councilmembers Gallo, Reid And Mayor Quan
Recommendation: Adopt A Resolution Authorizing A Grant In An Amount Up To \$577,231.00 To Centro Legal De La Raza To Be Used To Provide Legal Services To Central American Unaccompanied Children (UAC) In Oakland That Have Fled To The United States To Escape Violent And Other Oppressive Conditions In Their Countries, And Authorizing The City Administrator To Appropriate And/Or Identify Funds For The Grant
[14-0045](#)

Attachments: [View Report.pdf](#)
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#2 Subject: Government Ethics Act
From: Councilmember Dan Kalb And The Office Of The City Attorney
Recommendation: Adopt A "Government Ethics Act" Ordinance (A) Adopting And Expanding Local Oversight Over Ethical Requirements Regarding Conflicts Of Interest, Revolving Door, Use Of City Resources For Private Gain, Gifts, City Officers Contracting With The City, And Other Ethics Issues; (B) Adopting And Expanding State Governmental Ethics Laws Applicable To Local Government Officials And Public Servants; (C) Granting The Public Ethics Commission Authority To Impose Penalties For Violations Of Certain Charter Provisions Including Sections 218 (Noninterference In Administrative Affairs) And 907 (Nepotism); (D) Requiring That The Public Ethics Commission Provide Training, Advice And Assistance Regarding Compliance With The Act; And (E) Authorizing The Commission To Impose Penalties And Fines For Violations [TITLE CHANGE]
[14-0078](#)

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#3 Subject: Holiday Fireworks Enforcement Report
From: Councilmember Noel Gallo
Recommendation: Receive An Informational Report From The Oakland Police Department And The Oakland Fire Department To Establish A Plan Of Action For The Enforcement And Outreach Efforts Related To Fireworks For The New Year And Fourth Of July Holidays In 2015
[14-0080](#)

5 A Review Of The Council Committees' Actions From September 30, 2014 And Determination Of Scheduling To The City Council Meeting Of October 7, 2014 (MATRIX)

Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve as amended. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.

Subject: State Grant For Peralta Hacienda Activities
From: Oakland Parks And Recreation
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program For Youth Wildlife Activities At Peralta Hacienda Historical Park In The Amount Of Eighty Thousand Dollars (\$80,000) For The Four Year Grant Term With A Required Dollar For Dollar Match Of Eighty Thousand Dollars (\$80,000) To Be Matched By The Friends Of Peralta Hacienda Historical Park Annual Operating Funds
[14-0038](#)

Attachments: [View Report.pdf](#)
[85201 CMS.pdf](#)

As A Consent Item

[Rules100214Ite
m5](#)

Attachments: [View Report.pdf](#)

6 A Review Of The Draft Agendas For The City Council Meeting Of October 14, 2014 And The Rules And Legislation Committee Of October 16, 2014.

Vice Mayor Reid made a motion, seconded by Councilmember Kalb, to approve as amended. The motion passed with a vote of 3 Ayes, 1 Excused - Schaaf.

[Rules100214Ite
m6](#)

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Open Forum (Total Time Available: 15 Minutes)

There were no Open Forum speakers.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 11:51 a.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

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[ITD](#)

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.**