



City of Oakland Meeting Minutes

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

*Rules & Legislation Committee

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

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

Thursday, June 19, 2014

10:45 AM

City Council Chambers - 3rd Floor

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

Roll Call / Call To Order

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

The Roll Call was modified to note Vice Mayor Reid absent at 11:40 a.m.

1 Determinations Of Closed Session

A motion was made by Member Kalb, seconded by Vice Mayor Reid, 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

Special Closed Sessions have been scheduled for Monday, June 23, 2014 at 3:30 p.m. and Tuesday, July 1, 2014 at 3:30 p.m.

2 Approval Of The Draft Minutes From The Committee Meeting Of June 5, 2014

A motion was made by Member Schaaf, seconded by Vice Mayor Reid, 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

[Rules061914Item3](#)

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

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

Votes: Absent; 1 - Vice Mayor Reid

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

S-4.1 Subject: Minimum Wage Economic Impact Study
From: Economic And Workforce Development Department
Recommendation: Receive An Informational Report Presenting A Preliminary Economic Analysis Of Proposals To Establish A Minimum Wage For Workers In The City Of Oakland
[13-0683](#)

Scheduled to *Community & Economic Development Committee on 7/8/2014

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S-4.2 Subject: City & Oakland Redevelopment Successor Agency Investment Policy
From: Treasury Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Oakland Redevelopment Successor Agency Resolution Adopting The Oakland Redevelopment Successor Agency's Investment Policy For Fiscal Year 2014-2015
[13-0673](#)

Scheduled to *Finance & Management Committee on 7/8/2014

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S-4.3 Subject: East Bay Regional Communications System Negotiations
From: Office Of The City Administrator
Recommendation: Receive A Report And Recommendations For The Selection Of A Radio Systems Provider, Including The Funding Plan For The Purchase And Maintenance Of Radio Units, And On The Outcome Of The Negotiations With The East Bay Regional Communications System Authority (EBRCSA)
[13-0546](#)

Scheduled to *Finance & Management Committee on 7/8/2014

The Committee requested that the title be amended to reflect that the IT Department is offering two options and will be providing one recommended option for Council to act upon. The Committee also requested that the Police Department review IT Department recommendations and provide their own analysis and recommendations.

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[View Report Part2.pdf](#)

[View Report Part3.pdf](#)

[View Report Part4.pdf](#)

S-4.4 Subject: Quarterly Report On Crime Trends And Crime Reduction Activities
From: Oakland Police Department
Recommendation: Receive The Quarterly Informational Report From The Oakland Police Department (OPD) On Crime Trends And Crime Reduction Activities, Including The Ceasefire Violence Reduction Strategy, In The City Of Oakland
[13-0672](#)

Scheduled to *Public Safety Committee on 7/8/2014

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S-4.5 Subject: Contract For Golden Gate Recreation Center Improvement Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Reject All Bids, Waive Further Competitive Bidding And Authorize The City Administrator, Or His Designee, To Negotiate A Construction Contract With Arntz Builders, Inc. Sole Bidder For The Golden Gate Recreation Center Improvement Project (No. C457510) In Accordance With Plans And Specifications For An Amount Of Six Million Five Hundred Sixty-Three Thousand Seventy-Nine Dollars (\$6,563,079.00) Plus Three Hundred Thousand Dollars (\$300,000.00) Construction Contract Contingency For A Total Construction Contract Amount Of Six Million Eight Hundred Sixty-Three Thousand Seventy-Nine Dollars (\$6,863,079.00)
[13-0675](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.6 Subject: Active Transportation Program Grants
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (A) Apply For, Accept And Appropriate Up To Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) In Active Transportation Program Funds Assigned To The Metropolitan Transportation Commission; (B) Commit Matching Funds Of Up To Six Hundred Forty Seven Thousand Four Hundred Sixty Dollars (\$647,460.00) From Measure B (Fund 2211) Grant Matching Funds (C) If Funded, Assure Completion Of The Following Ten Active Transportation Program Projects: The International Boulevard Pedestrian Lighting And Sidewalk Repair Project, The International Boulevard Pedestrian Refuges Project, The City Of Oakland Improvements For Safe Routes To School Project, The Park Boulevard Area Improvements For Safe Routes To School Project, The Thornhill Drive/Mountain Boulevard Improvements For Safe Routes To School Project, The High Street - Courtland Avenue-Ygnacio Avenue Intersection Improvements For Safe Routes To School Project, The Harrison Street/ 27th Street/ 24th Street Intersection Improvements Project, The Lake Merritt To Bay Trail Bicycle Pedestrian Gap Closure Project, The Laurel Access To Mills Maxwell Park And Seminary Active Transportation Connections Project And The Telegraph Avenue Great Streets Project
[13-0678](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.7 Subject: Contract Amendment For Rajappan & Meyer Consulting Engineers
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Waiving The Request For Proposal ("RFP")
Competitive Selection Requirement; Authorizing The City Administrator, Or His Designee, To
Amend The Professional Services Agreement With Rajappan And Meyer Consulting
Engineers, Inc. For 10th Street Bridge To Increase The Contract Amount From One Million Six
Hundred Thousand Dollars (\$1,600,000.00) To A Total Not-To-
Exceed One Million Nine Hundred Thousand Dollars (\$1,900,000.00) To Be Funded From
Measure DD Bond Series 2009b Proceeds; And Extending The Time Of Performance Of The
Contract Work From December 31, 2014 To December 31, 2016
[13-0686](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.8 Subject: Montclair Village Association Parking Facilities Contract
From: Oakland Public Works Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Execute A
Contract With Montclair Village Association For The Operation And Management Of
Montclair Garage, Located At 6235 La Salle Avenue And Scout Lot, Located On 2250
Mountain Boulevard For An Initial Period Of Three Years, With A Two-Year Extension,
Contingent Upon Satisfactory Evaluation Of Performance, At A Compensation Rate Of Up To
\$17,100 (Including A Management Fee Of \$790 And Up To \$16,310 In Operating Expenses) A
Month Plus Incentive Fees Of Up To \$4,000 A Year For A Total Annual Contract Amount Of
\$209,200; And, 2) Amending The FY 2014-15 Budget By Appropriating An Additional
\$18,400 To Cover The Increased Costs Of The New Contract
[13-0687](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.9 Subject: Administrative Support Grant To The Private Industry Council
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing A \$50,000 Administrative Support Grant
To The Oakland Private Industry Council, Inc.
[13-0674](#)

Scheduled to * Special Meeting of the Oakland City Council on 6/23/2014

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[85071 C.M.S.pdf](#)

S-4.10 Subject: Adoption Of MOU Between IAFF Local 55 And The City Of Oakland
From: Office Of The City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving Memorandum Of Understanding Between The City Of Oakland
And The International Association Of Firefighters (IAFF), Local 55, Representing Employees
In Representation Unit FQI, For The Period Of July 1,2014 Through October 31, 2017; And
[13-0682](#)

Scheduled to Meeting of the Oakland City Council on 7/1/2014

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2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Adjust The Salaries Of Employees In The Job Classifications Represented By The International Association Of Firefighters, Local 55 And Providing The Same Salary Adjustments For Unrepresented Sworn Classifications
[13-0682-1](#)

Scheduled to Meeting of the Oakland City Council on 7/1/2014

This item will be scheduled to the Consent portion of the City Council agenda.
[View Report.pdf](#)

S-4.11 Subject: Oakland Municipal Code Amendment; Chapter 2.29
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code Entitled "City Agencies, Departments And Offices" To Revised The Titles Of Bureaus And Divisions In The Police Department And The Titles Of Divisions In The Planning & Building Department And The Economic & Workforce Development Department
[13-0684](#)

Scheduled to *Finance & Management Committee on 7/8/2014

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S-4.12 Subject: Charter Amendment: Authorization to Purchase OMERS Annuity
From: Offices Of The City Attorney And City Administrator
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion A Proposed Charter Amendment To Be Voted Upon At The Municipal Election To Be Held On November 4, 2014 That Would (1) Grant The City The Option To Purchase A Group Annuity Contract From A Reputable And Stable Annuity Provider To Guarantee Payment Of The Benefits Provided By The Oakland Municipal Employees' Retirement System (OMERS) To The Approximately 22 Remaining Members And Beneficiaries And (2) Save The City The Costs Of Administering OMERS, Which Was Closed To New Members In September, 1970; Directing The City Clerk To Fix The Date For Submission Of Arguments And To Provide Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities
[13-0670](#)

Scheduled to *Finance & Management Committee on 7/8/2014

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S-4.13 Subject: Honoring 8th Citizens Academy Graduates
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Recognizing The 8th Graduating Class Of The City Of Oakland's Citizens Academy
[13-0632](#)

***Withdrawn and Rescheduled to Meeting of the Oakland City Council on 7/15/2014**

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S-4.14 Subject: Honoring Outgoing And Welcoming Incoming OUSD Superintendent
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Honoring Incoming Superintendent Of Schools
Antwan Wilson And Outgoing Superintendent Dr. Gary Yee
[13-0681](#)

Scheduled to Meeting of the Oakland City Council on 7/1/2014

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S-4.15 Subject: 2021-2029 Fruitvale Major Encroachment Permit
From: Planning & Building Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major
Encroachment Permit To 12th Street And Fruitvale, LLC, A California Limited Liability
Company, To Allow Encroachment Of New Building Eave And Portion Of Existing Building
Beyond Property Line Adjacent To 2021 - 2029 Fruitvale Avenue
[13-0671](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.16 Subject: 2148 Broadway Encroachment Permit
From: Department Of Planning And Building
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major
Encroachment Permit To Dudley Franklin Investors, LLC, A Delaware Limited Liability
Company, To Allow An Entry Awning On Broadway, And Entry Awnings, Bicycle Racks,
Benches, Sidewalk Light Fixtures, Balcony, PG&E Underground Electrical Vault, And A
Sidewalk Cafe On Franklin Street To Encroach Into The Public Right-Of-Way At 2148
Broadway
[13-0685](#)

Scheduled to *Public Works Committee on 7/8/2014

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S-4.17 Subject: Hiring Program Structure
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Directing Staff To Develop A Hiring Program And
Structure That Recognizes And Prioritizes Temporary Part-Time Workers For Full Time
Positions Where Possible; On The July 8, 2014 Finance And Management Committee Agenda
[13-0679](#)

Scheduled to *Finance & Management Committee on 9/16/2014

*The title was revised on the dais to delete "Directing Staff." Councilmembers
can create policy regarding the issue, not direct staff.*

S-4.18 Subject: Transitioning OPD Civilian Employee Related Matters
From: President Pro Tempore Rebecca Kaplan
Recommendation: Receive An Informational Report On The Steps Needed To Transition Investigations Of OPD Civilian Employee Related Matters From Internal Investigations To Employee Relations
[13-0680](#)

Scheduled to *Finance & Management Committee on 7/22/2014

[Rules061914Item4](#)

There were 6 speakers for Item 4.

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Items Submitted On The Dais

#1 Subject: Association Of Bay Area Governments (ABAG) Appointments
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Appointing The Following Representatives To Positions On The Executive Board Of The Association Of Bay Area Governments For Two-Year Terms Commencing July 1, 2014 And Ending June 30, 2016: Re-Appoint Mayor Jean Quan And Councilmember Desley Brooks, And Appoint Councilmember Dan Kalb As Members Of The Executive Board, And Appoint Council President Patricia Kernighan As An Alternate Member
[13-0688](#)

Scheduled to Meeting of the Oakland City Council on 7/1/2014

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#2 Subject: Informational Report On Bankruptcy Proceedings Of R.E, Loans LLC
From: Council President Kernighan
Recommendation: Receive An Informational Report From The City Attorney Addressing Questions Raised By Gene Hazzard Regarding A Lawsuit Arising Out Of The Chapter 11 Bankruptcy Proceeding Of R.E. Loans, LLC, And Whether That Lawsuit Impacts The City's Legal Rights Against Rotunda Partners II Under The Disposition And Development Agreement For The Rotunda Building And Related Parcels; On The July 22, 201 Community And Economic Development Committee Agenda
[13-0690](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014

The title was further revised on the dais to add the lawsuit title, "Faulkner v. Rotunda Partners II, Epstein, et al."

#3 Subject: Amendments To Use One-Time Or Real Estate Transfer Tax Revenues
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Ordinance No. 13170 C.M.S. Which Sets Forth The Council's General Purpose Fund (GPF) Financial Policies To Amend The Requirements For Authorization To Use One-Time Or Excess Real Estate Transfer Tax Revenues For Purposes Other Than Established Through This Ordinance, To Allow Authorization Of Such Uses By Resolution Approved By A Super Majority Vote Of The City Council Based Upon A Finding Of Necessity
[13-0689](#)

Scheduled to * Special Meeting of the Oakland City Council on 6/23/2014

The title was revised on the dais to replace "A Finding Of Necessity" with "Appropriate Findings."

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#4 Subject: Fiscal Year 2014-2015 Midcycle Budget Amendments
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2013-15 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 84466 C.M.S. On June 27, 2013 And Amended By Resolution No. 84897 C.M.S. On March 18, 2014; To: (1) Increase The Fiscal Year 2014-15 Revenue Projection In The General Purpose Fund (GPF) By \$29,213,358; (2) Appropriate Additional Fiscal Year 2014-15 GPF Expenditures In An Amount Not To Exceed \$29,213,358; (3) Increase The Fiscal Year 2014-15 GPF Reserve In An Amount Of \$1,567,653 Plus An Additional Appropriation To The Reserve Of \$1,163,075; (4) Increase Fiscal Year 2014-15 Appropriations In Other (Non- GPF) Funds By \$29,141,642
[13-0540-1](#)

Scheduled to * Special Meeting of the Oakland City Council on 6/23/2014

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#5 Subject: Recognizing Civicorps School And Teachers
From: Councilmembers Schaaf And Gibson McElhaney
Recommendation: Adopt A Resolution Recognizing Civicorps School And Teacher's Caitlin Cruz Who Was Awarded The 2014 STEM (Science, Technology, Engineering And Math) Women Of The Year, And Rachel Friedman On Her Robert F. Kenenedy Award
[13-0636](#)

***Withdrawn and Rescheduled to Meeting of the Oakland City Council on 7/15/2014**

DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES & LEGISLATION AND CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:22 A.M.

#6 Subject: Eliminating Prostitution And Human Trafficking On International Blvd
From: Councilmember Noel Gallo
Recommendation: Receive A Report And Recommendations From the Chief of Police Regarding The City of Oakland's Efforts To Eliminate The Continued Ongoing Prostitution And Human Trafficking On International Blvd, From Seminary Avenue to 14th Avenue. This Is A Request From The Oakland Schools In The Immediate Area, Businesses, Senior Residential Homes, And Neighbors That Have Been Impacted Negatively. Prostitution Has Existed On International Blvd. For A Number Of Years And As Of Today Has Not Changed. Prostitution And Human Trafficking Are A Catalyst For Other Violent Crimes. Our Goal At The Request Of The Residents In The Area Is To Eliminate Prostitution And Provide A Clean And Safe Neighborhood
[13-0691](#)

Scheduled to *Special Public Safety Committee on 9/16/2014

Persuant to the City Attorney, the title was revised to read as follows: "Receive A Report And Recommendations From the Chief of Police Regarding The City of Oakland's Efforts To Eliminate The Continued Ongoing Prostitution And Human Trafficking On International Blvd, From Seminary Avenue to 14th Avenue"

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT THIS TIME AND RECONVENED AS THE RULES & LEGISLATION COMMITTEE.

Subject: Continue The Pilot Extended Hours Permits Program For Cabarets
From: President Pro Tempore Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.12, Cabarets, To Continue The Pilot Extended Hours Permits Program For An Additional Two Years
[13-0656](#)

***Withdrawn and Rescheduled to *Community & Economic Development Committee on 7/22/2014**

[View Report.pdf](#)

5 A Review Of The Draft Agendas For The City Council Meeting Of July 1, 2014 And The Rules And Legislation Committee Of July 3, 2014

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

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

[Rules061914Item5](#)
[View Report.pdf](#)

6 Subject: Public Ethics Commission Charter Amendment Reform
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 4, 2014 Statewide General Election A Proposed Amendment To The City Charter To Provide The Public Ethics Commission With Greater Independence, Enforcement Authority, Responsibilities And Staffing, And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election [TITLE CHANGE]
[13-0653](#)

A motion was made by Member Kalb, seconded by Member Schaaf, that this matter be *Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, due back on July 15, 2014 as a Non-Consent Item. The motion carried by the following vote:

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

There were 4 speakers on this item.
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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 Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:49 p.m.

NOTE: Americans With Disabilities Act
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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.

City Clerk and Clerk of the Council