



# 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

### \*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, October 30, 2014

10:45 AM

City Council Chamber, 3rd Floor

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*The Oakland City Council Rules & Legislation Committee convened at 10:54 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 on November 5, 2014 at 2:30 p.m.*

A motion was made by Reid, seconded by Kalb, that this matter be Approve as Submitted. The motion carried by the following vote:

**Excused:** 1 - Schaaf

**Aye:** 3 - Reid, Kernighan, and Kalb

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of October 16, 2014

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

A motion was made by Reid, seconded by Kalb, that this matter be Approve as Submitted. The motion carried by the following vote:

**Excused:** 1 - Schaaf

**Aye:** 3 - Reid, Kernighan, and Kalb

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m3](#)

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

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

A motion was made by Reid, seconded by Kalb, that this matter be Approve with the following amendments. The motion carried by the following vote:

**Excused:** 1 - Schaaf

**Aye:** 3 - Reid, Kernighan, and Kalb

- 4.1** Subject: Fiscal Year 2014-2015 Cultural Funding Grants  
From: Economic & Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Eighty-Six (86) Cultural Services Grants To Seventy-One (71) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland During Fiscal Year 2014-2015 In A Total Amount Not To Exceed \$950,000  
[14-0159](#)

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

**This City Resolution was Scheduled.to the \*Life Enrichment Committee to be heard 11/12/2014**

- 4.2** Subject: Rockridge BID Annual Report And Intent To Levy  
From: Economic & Workforce Development Department  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2015-2016 For The Rockridge Business Improvement District, Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board, And Scheduling A Public Hearing For December 9, 2014  
[14-0160](#)

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

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

- 4.3** Subject: Montclair BID Annual Report And Intent To Levy  
From: Economic & Workforce Development Department  
Recommendation: Adopt A Resolution Of Intention To Levy An Annual Assessment For Fiscal Year 2015-2016 For The Montclair Business Improvement District, Approving The Annual Report Of The Montclair Business Improvement District Advisory Board, And Scheduling A Public Hearing For December 9, 2014  
[14-0161](#)

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

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

- 4.4 Subject: Real Property Acquisition And Disposition  
From: Economic & Workforce Development Dept. & City Attorney  
Recommendation: Adopt An Ordinance Updating And Revising The City's Real Property Acquisition And Disposition Laws, And Codifying Such Laws Into The Oakland Municipal Code  
[14-0162](#)

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

**This Ordinance was Scheduled.to the \*Community & Economic Development Committee to be heard 12/2/2014**

- 4.5 Subject: Fruitvale Transit Village ENA  
From: Economic & Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement With The Spanish Speaking Unity Council For Development Of Phase II Of The Fruitvale Transit Village Project At The Bay Area Rapid Transit ("BART") Fruitvale Station Parking Lot; Authorizing A Predevelopment Loan For The Project In An Amount Not To Exceed \$350,000; And Authorizing An Exclusive Negotiating Period Of One Year And One Optional Six Month Administrative Extension  
[14-0171](#)

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

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 11/12/2014**

- 4.6 Subject: Resolution Awarding Contract To Sans Digital  
From: Finance Department  
Recommendation: Adopt A Resolution Awarding A Contract To Sans Digital, A Corporation, To Furnish A Video File Delivery And File Sharing Network System, In An Amount Not To Exceed One Hundred Thousand, Two Hundred Twenty-Three Dollars And Sixty-One Cents (\$100,223.61), In Accordance With Specification No. 14-206-89/Request For Quotation (RFQ) No. 5052 And The General Conditions Therfor On File In Purchasing According To Its Bid Filed With The City On May 5, 2014.  
[14-0167](#)

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

**This City Resolution was Scheduled.to the \*Finance & Management Committee to be heard 12/2/2014**

- 4.7 Subject: Vegetation Management Update  
From: Oakland Fire Department  
Recommendation: Receive An Informational Report Regarding Follow -Up To The Information Presented By Staff On April 29, 2014 Concerning The November 19, 2013 Oakland Fire Department Vegetation Inspection Audit  
[14-0154](#)

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

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard 11/12/2014**

- 4.8 Subject: 2014 US&R Grant  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee To (A) Enter Into A Grant Cooperative Agreement To Accept And Appropriate Federal Emergency Management Agency (FEMA) Funds For The Period Of September 1, 2014 To February 29, 2016, In The Amount Of One Million Two Hundred Fifty Eight Thousand One Hundred Thirty One Dollars (\$1,258,131) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force; And (B) Expend FEMA Grant Funds In Accordance With The Preliminary Spending Plan Without Further City Council Approval, Including The Purchase Of US&R Equipment From The General Services Administration (GSA) And Other Government Pricing Schedules; And 2) Waiving The City's Advertising And Bidding Requirements For The Purchase Of The US&R Equipment When Necessary Under Grant Guidelines; And; 3) Approving Travel For City Personnel Who Provide Services Under The FEMA Grant And Cooperative Agreement Of Short Notice Without Further Council Authorization  
[14-0165](#)

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

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard 11/12/2014**

- 4.9 Subject: Office Of Traffic Safety STEP Grant  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In The Amount Of One Hundred Forty Thousand Two Hundred Twenty Dollars (\$140,220.00) From The State Of California, Office Of Traffic Safety (OTS), For The 2014-2015 Selective Traffic Enforcement Program (STEP) To Be Conducted By The Oakland Police Department (OPD)  
[14-0166](#)

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

**This City Resolution was Scheduled.to the \*Public Safety Committee to be heard 11/12/2014**

**4.10** Subject: Amending Residential Recycling Franchise Award & Max Service Rates  
From: Oakland Public Works Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Ordinance No. 13258 C.M.S., Which Amended Ordinance No. 13253 C.M.S. To Among Other Things, Grant A Franchise For Mixed Materials And Organics Collection Services To Waste Management Of Alameda County And Approve Maximum Service Rates For Mixed Materials And Organics Collection, Residential Recycling And Disposal Services, To: (1) Add Two (2) Contamination Rates Of \$25 And \$50 To The Maximum Service Rates For Customer Placement Of Items Other Than Those Allowed In Recycling And Organic Materials Containers And (2) Make Appropriate Findings Required By The California Environmental Quality Act; And

[14-0157](#)

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

**This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

2) An Ordinance Amending Ordinance No. 13254 C.M.S, Which, Among Other Things, Granted A Franchise For Residential Recycling Collection Services To California Waste Solutions, Inc., For A Term Of Ten (10) Years From July 1, 2015 Through June 30, 2025, With Two Five-Year Extension Options In 2022 And 2027, To Change The Term Of The Contract To Twenty (20) Years: July 1,2015 Through June 30, 2035, And Make Appropriate Findings Required By The California Environmental Quality Act

[14-0173](#)

**This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

**4.12** Subject: 5816-5826 Mendoza Drive Utility Pole Telecomm. Project Appeal  
From: Planning & Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following:

1) A Resolution Upholding Appeal #A13115, Thereby Reversing The Decision Of The City Planning Commission And Denying Regular Design Review To Attach A Telecommunications Facility To A Utility Pole Located In The Public Right-Of-Way At 5816-5826 Mendoza Drive; Or

[13-0699](#)

**Attachments:** [View Report.pdf](#)  
[View Supplemental Report.pdf](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

Alternatively, Should The Council Wish To Deny The Appeal And Uphold The Regular Design Review Application, The City Council May, Upon Conclusion Of A Public Hearing, Adopt:

2) A Resolution Denying Appeal #A13115 And Upholding The Decision Of The City Planning Commission To Approve Regular Design Review To Attach A Telecommunications Facility To A Utility Pole Located In The Public Right-Of-Way Fronting The Lot Line Between 5816 And 5826 Mendoza Drive  
[13-0699-1](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

**4.13** Subject: Oakland Zoo Conservation Easement  
From: Planning & Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Which Was Considered By The Parks And Recreation Advisory Commission, Granting A 53-Acre Conservation Easement In Knowland Park, Located At 9777 Golf Links Road, To Protect The Alameda Whipsnake, Which Further Implements The June 2011California Trail Exhibit Project Approvals, Conditions Of Approval And Mitigation Measures And Authorizing The City Administrator To Take Any And All Actions Necessary To Implement The Conservation Easement Without Returning To Council (CEQA Determination: Reliance On Previously Approved 2011 Subsequent Mitigated Negative Declaration/Addendum)  
[14-0158](#)

**Attachments:** [View Report.pdf](#)  
[View Supplemental Report.pdf](#)

**This Ordinance was Scheduled.to the \*Community & Economic Development Committee to be heard 11/12/2014**

- 4.14** Subject: Downtown Specific Plan Grant Award  
From: Planning & Building Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (A) Apply For, Accept, And Appropriate Seven Hundred And Fifty Thousand Dollars (\$750,000) In Metropolitan Transportation Commission (MTC) And Association Of Bay Area Governments (ABAG) Priority Development Area (PDA) Planning Grant Funding For The Downtown Specific Plan; And (B) Enter Into A Grant Funding Agreement With MTC And ABAG For The PDA Planning Grant Funds; And (C) Appropriate Seven Hundred And Fifty Thousand Dollars (\$750,000) In Community Benefit Funds From The Jack London Redevelopment Project; And (D) Allocate One Hundred Thousand Dollars (\$100,000) Of The Jack London Redevelopment Project Community Benefit Funds To Fund The Local Match Requirement To Receive MTC Grant Funding For The Downtown Specific Plan.

[14-0163](#)

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

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 11/12/2014**

- 4.15** Subject: Increasing The Salary Of The Director Of Animal Services Classification  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary Of The Director Of Animal Services Classification

[14-0168](#)

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

[View Supplemental Report](#)

**This Ordinance was Scheduled.to the \*Finance & Management Committee to be heard 11/12/2014**

- 4.16** Subject: Establishing Oakland Animal Services Community Advisory Commission  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Establishing The Oakland Animal Services Community Advisory Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties Of Said Commission; On The November 12, 2014 Public Safety Committee Agenda

[14-0170](#)

**This Ordinance was No Action Taken.**

**4.17** Subject: Amendments To The Fiscal Year 2014-2015 Midcycle Budget  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2013-2015 Biennial Budget, Which Was Adopted Pursuant To Resolution No. 84466 C.M.S. On June 27, 2013 And Amended By Resolution 84897 C.M.S. On March 18, 2014, And Further Amended By Resolution No. 85085 C.M.S. On July 1, 2014 To: (1) Appropriate Fiscal Year 2014-2015 General Purpose Fund Expenditures In An Amount Not To Exceed \$6,832,586 As Detailed In Exhibit 1; And (2) Increase General Purpose Fund Reserve In An Amount Of \$414,301 [NEW TITLE]  
[14-0128](#)

**Attachments:** [View Report.pdf](#)  
[View Supplemental Report.pdf](#)

**This City Resolution was Scheduled.to the \*Finance & Management Committee to be heard 11/12/2014**

**4.18** Subject: Establishing A Rainy Day Policy And Consolidated Fiscal Policy  
From: Office Of The City Administrator And Councilmember Schaaf  
Recommendation: Adopt An Ordinance Amending The City Of Oakland Financial Policies, To Establish A New Rainy Day Policy And Consolidating All Fiscal Policies Into The City Of Oakland Consolidated Fiscal Policy  
[14-0120](#)

**Attachments:** [View Report.pdf](#)  
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**This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

**4.19** Subject: California Safe Digging Month  
From: Council President Patricia Kernighan  
Recommendation: Adopt A Resolution In Support Of California Safe Digging Month  
[14-0134](#)

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

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

**4.20** Subject: Approval Of City Council 2015 Meeting Schedule  
From: Council Presidetn Patricia Kernighan  
Recommendation: Review And Adopt The Preliminary Calendar For January 2015 - December 2015 Council/Committee Meeting, Report & Distribution Schedule  
[14-0174](#)

**This Informational Report was Received and Filed.**



**4.21** Subject: Establish Policy To Lease, Rather Than Sell, City Property  
From: Offices Of The City Administrator And City Attorney, And Councilmember Gibson McElhaney  
Recommendation: Adopt A Resolution Establishing A General Policy To Lease, Rather Than Sell, City Property  
[14-0175](#)

**This City Resolution was Scheduled.to the \*Community & Economic Development Committee to be heard 12/2/2014**

[Rules103014Item4](#)

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

**Items Submitted On The Dais**

Subject: Creating The Oakland Animal Services Department  
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 Establish The Oakland Animal Services Department In The City Administrator's Office  
[14-0169](#)

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

**This Ordinance was Scheduled.to the \*Finance & Management Committee to be heard 11/12/2014**

Subject: Executive Recruitment Contract Extensions  
From: Human Resources Management Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Execute A One (1) Year Contract Extension (January 1, 2015 To December 31, 2015) With Avery Associates, Inc., For Executive Recruitment Services At A Cost Of \$90,000 For A Total Contract Amount Not To Exceed \$172,900 And Waive The Competitive Request For Proposals/Qualifications Process; And 2) Execute A One (1) Year Contract Extension (January 1, 2015 To December 31,2015) With Management Partners, Inc., At A Cost Of \$97,500 For A Total Contract Amount Not To Exceed \$150,000 And Waive The Competitive Request For Proposals/Qualifications Process  
[14-0179](#)

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

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

2) A Resolution Authorizing The City Administrator To Extend The Existing Contract With Management Partners, Inc., For One Year ((January 1, 2015 To December 31, 2015) And Increase The Contract Amount By \$97,500 To A Total Of \$150,000 In Order To Provide Executive Recruitment Services

[14-0180](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/18/2014**

Subject: Amending The Cultural Affairs Commission

From: Office Of The Mayor

Recommendation: Adopt An Ordinance Amending And Restating Ordinance No. 11323 C.M.S. And Ordinance No. 11778 C.M.S. To Change The Name Of The Cultural Affairs Commission To The Oakland Arts & Culture Commission, To Expand The Duties Of The Commission, And To Modify The Commission's Membership And Quorum Requirement And Membership Recommendation Process

[14-0189](#)

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

**This Ordinance was Scheduled.to the \*Life Enrichment Committee to be heard 12/2/2014**

**5 A Review Of The Council Committees' Actions From October 28, 2014 And Determination Of Scheduling To The City Council Meeting Of November 5, 2014 (MATRIX)**

**A motion was made by Reid, seconded by Kalb, that this matter be Approve as Submitted. The motion carried by the following vote:**

**Excused:** 1 - Schaaf

**Aye:** 3 - Reid, Kernighan, and Kalb

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

**6 A Review Of The Draft Agendas For The Council Committee Meetings Of November 12, 2014 And The Rules And Legislation Committee Of November 13, 2014**

**A motion was made by Reid, seconded by Kalb, that this matter be Approve as Submitted. The motion carried by the following vote:**

**Excused:** 1 - Schaaf

**Aye:** 3 - Reid, Kernighan, and Kalb

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

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

*There were 2 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 11:49 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.

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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.**