



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, July 10, 2014

10:45 AM

City Council Chambers - 3rd Floor

The Oakland City Council Rules & Legislation Committee convened at 11:10 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

1 **Determinations Of Closed Session**

**A motion was made by Member Kalb, 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

A Special Closed Session has been scheduled on July 15, 2014 at 2:00 P.M.

2 **Approval Of The Draft Minutes From The Committee Meeting Of June 19, 2014 And June
26, 2014**

**A motion was made by Member Kalb, seconded by Member Schaaf, 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 Kalb, 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

[Rules071014Item3](#)

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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
There was one speaker on this item.

S-4.1 Subject: Professional Services Agreement With Managed Health Network
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Professional Services Agreement With Managed Health Network (MHN) In Order To Meet The Requirements Of The Memorandum Of Understanding (MOU) With The Oakland Police Officers' Association (OPOA) To Provide: (1) Psychological Counseling Services For Sworn Members Of The Oakland Police Department (OPD) And Their Dependents For The Period Of July 1, 2014 To June 30, 2017, For An Amount Not To Exceed Three Hundred Fifteen Thousand Dollars (\$315,000), With An Option To Extend For An Additional Two Years, In Amount Of One Hundred Five Thousand Dollars (\$105,000) Per Year, For A Total Contract Amount Of Five Hundred Twenty-Five Thousand Dollars (\$525,000) (2) Substance Abuse Counseling To Sworn Members And Their Dependents And Civilian Members Of The OPD For The Period Of January 1,2015 To June 30,2017, For An Amount Not To Exceed Two Hundred Ten Thousand Dollars (\$210,00), With An Option To Extend For An Additional Two Years, In Amount Of Eighty-Four Thousand Dollars (\$84,000) Per Year For A Total Contract Amount Of Three Hundred Seventy-Eight Thousand Dollars (\$378,000); For An Overall Total Contract Amount Of Nine Hundred Three Thousand Dollars \$903,000)
[13-0725](#)

Scheduled to *Public Safety Committee on 7/22/2014
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S-4.2 Subject: Port Security Grant Program Funds
From: Department of Fire
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee To: (1) Enter Into An Agreement With The United States Department Of Homeland Security's Federal Emergency Management Agency (FEMA) To Accept Fiscal Year 2013 Port Security Grant Program (PSGP) Funds; And (2) Accept, Appropriate And Administer Fiscal Year 2013 PSGP Grant Funds In An Amount Up To One Hundred Sixty-Nine Thousand, Six Hundred And Seventy-Nine Dollars (\$169,679); And (3) Approve The Preliminary Spending Plan; And (4) Expend Funds In Accordance With The Preliminary Spending Plan Without Further Council Authorization, Including Purchases Of Equipment And Services Approved In The Federal Authorized Equipment List (AEL) And Required By The Grant, Provided The City's Competitive Solicitation And Purchasing Programs/Policies Are Followed; And (5) Allocate Thirty-Two Thousand Dollars (\$32,000) From The General Purpose Fund To Satisfy The In-Kind Or Cash Match Requirement.
[13-0723](#)

Scheduled to *Public Safety Committee on 7/22/2014
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S-4.3 Subject: Support For AB 2188 - Simplifying Solar Energy Permitting Process
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Assembly Bill (AB) 2188 (Muratsuchi) - State Legislation That Would Make California Statewide Permitting Process For Rooftop Solar Systems Simpler And More Efficient And Help Advance Goals Outlined In Oakland's Climate Action Plan
[13-0703](#)

Scheduled to *Rules & Legislation Committee on 7/24/2014

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S-4.4 Subject: Support For SB 1199 - Scenic River Designation For Mokelumne River
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill SB 1199 (Hancock) State Legislation That Would Provide California Wild And Scenic River Designation For The Mokelumne River From Below Salt Springs Dam To The Upstream End Of Pardee Reservoir
[13-0714](#)

Scheduled to *Rules & Legislation Committee on 7/24/2014

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S-4.5 Subject: Traffic Signal Installations & Modifications
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit Amount For The Contract With Bay Area Lightworks For Construction Of Traffic Signal Installations And Modifications (Project No. C313710), From Twenty Percent (20%) To Twenty-Three Percent (23%) Of The Original Contract Amount, For A Total Amount Not-To-Exceed One Million Six Thousand Six Hundred Thirty-One Dollars And Thirty-Three Cents (\$1,006,631.33)
[13-0715](#)

Scheduled to *Public Works Committee on 7/22/2014

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S-4.6 Subject: Golden Gate Branch Library Exterior Window Restoration Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution To Reject All Bids, Waive Further Advertising And Competitive Bidding And Authorize The City Administrator, Or His Designee, To Negotiate And Execute A Construction Contract Up To The Amount Of One Hundred And Sixty Three Thousand Dollars (\$163,000.00) With Rockridge Builders, Sole Bidder, Or In The Open Market For The Golden Gate Branch Library Exterior Window Restoration Project (No. B00570) In Accordance With The Plans And Specifications
[13-0716](#)

Scheduled to *Public Works Committee on 7/22/2014

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S-4.7 Subject: UPRR Crossing Improvement Agreements
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, The Director Of Public Works Or The Assistant Director Of Public Works, Bureau Of Engineering And Construction, To Negotiate And Execute Agreements With Union Pacific Railroad (UPRR) For Crossing Improvements And Maintenance, In Accordance With California Public Utility Commission (CPUC) Regulations At: Broadway And Embarcadero West Intersection (No. 0010-6.70); Fruitvale Avenue South Of San Leandro Boulevard (No. 0010-9.80); And 23rd And 29th Avenues, Near Glascock Street (Nos. 0010-10.39-C And 0010-10.40-C)
[13-0717](#)

Scheduled to *Public Works Committee on 7/22/2014
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S-4.8 Subject: Emeryville Berkeley Oakland Transit Study
From: Department Of Economic And Workforce Development
Recommendation: Receive An Informational Report On The Emeryville Berkeley Oakland Transit Study
[13-0719](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014
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S-4.9 Subject: Application To Expand Foreign Trade Zone
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Submit A Foreign Trade Zone Alternative Site Framework Application And To Sign And Enter Into An Agreement With The Foreign Trade Zone Board, U.S Department Of Commerce
[13-0720](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014
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S-4.10 Subject: ENA For 2315 Valdez St And 2330 Webster Street
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution Authorizing An Exclusive Negotiating Agreement For A Period Of One Year With The Option To Extend Administratively For 90 Days With Harrison TDP Partners, LLC, To Develop A Mixed-Use Project On City owned Properties At 2315 Valdez Street And 2330 Webster Street
[13-0722](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014
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S-4.11 Subject: Annual Reports Of Property-Based BID's
From: Department Of Economic And Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:
1) A Resolution Approving The Fiscal Year 2013-2014 Annual Reports Of The Koreatown/Northgate Community Benefit District Of 2007, The Downtown Oakland Community Benefit District Of 2008, The Lake Merritt/Uptown Community Benefit District Of 2008, The Fruitvale Property Business Improvement District Of 2011, And The Lakeshore/Lake Park Business Improvement Management District Of 2012 Advisory Boards; Confirming The Continuing Annual Assessment For Each Applicable District For Fiscal Year 2014/15; And Authorizing Payment Of The City's Cumulative Fiscal Year 2014/15 Fair Share Assessment In An Approximate Amount Of \$209,150.04 For City-Owned Properties In The Koreatown/Northgate District, The Downtown Oakland District, The Lake Merritt/Uptown District And The Fruitvale District
[13-0730](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014
[View Report.pdf](#)

2) An Oakland Redevelopment Successor Agency Resolution Authorizing Payment Of The Oakland Redevelopment Successor Agency's Cumulative Fiscal Year 2014/15 Fair Share Assessment In An Approximate Amount Of \$8,819.40 For Oakland Redevelopment Successor Agency-Owned Properties In The Downtown Oakland Community Benefit District Of 2008, And The Fruitvale Property Business Improvement District Of 2011
[13-0730-1](#)

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

S-4.12 Subject: Basement Backfill And Repair Program
From: Department Of Economic And Workforce Development
Recommendation: Adopt A Resolution (1) Authorizing The Creation Of A City Basement Backfill And Repair Program, (2) Allocating \$2,636,845 For The Program Using Excess Central District Bond Funds Under The Bond Expenditure Agreement, And (3) Authorizing The City Administrator To Make Grants Under The Program Without Returning To Council
[13-0731](#)

Scheduled to *Community & Economic Development Committee on 7/22/2014
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S-4.13 Subject: Honoring Lu Vason
From: Councilmember Lynnette Gibson McElhaney
Recommendation: Adopt A Resolution To Honor Lu Vason, Founder And Director Of The Bill Pickett Invitational Rodeo, On The 30th Anniversary Of The Only Touring African American Rodeo In America
[13-0713](#)

Scheduled to * Special Meeting of the Oakland City Council on 7/29/2014
This item will be scheduled to the Ceremonial portion of the agenda.
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DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES & LEGISLATION COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:20 A.M.

S-4.14 Subject: Recognizing District 5 Community Leaders
From: Councilmember Noel Gallo
Recommendation: Receive Commendations Recognizing Delmy Raymundo, Fabian Guerra, And Anthony James As Young Community Leaders Who Have Consistently Participated In District 5 Clean-Ups And Who Have Set An Example For Oakland Residents In Keeping Our City Clean And Safe; On The July 29, City Council Agenda, As A Ceremonial Item
[13-0732](#)

Scheduled to * Special Meeting of the Oakland City Council on 9/23/2014
This item will be scheduled under Item 4 on the Council agenda.

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT 11:21 A.M. AND RECONVENED AS THE RULES & LEGISLATION COMMITTEE.

S-4.15 Subject: Parks And Recreation Advisory Commission Report
From: Oakland Parks & Recreation Department
Recommendation: Receive The Annual Report To The City Council From The Parks And Recreation Advisory Commission
[13-0727](#)

Scheduled to *Life Enrichment Committee on 7/22/2014
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S-4.16 Subject: Attrition / Retention Action Plan
From: Oakland Police Department
Recommendation: Receive A Report And Recommendations On The Oakland Police Department's Attrition Reduction /Retention Strategy Action Plan.
[13-0718](#)

Scheduled to *Public Safety Committee on 7/22/2014
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S-4.17 Subject: Citywide Street Resurfacing
From: Oakland Public Works Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator, Or Designee To Execute A Construction Contract With Gallagher & Burk, Inc., The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications For Citywide Street Resurfacing (Project No. C369650) And With Contractor's Bid In The Amount Of Three Million Six Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars And Eighty Cents (\$3,698,995.80); And 2) Waiving Advertising And Bidding Requirements Increasing The Contract Amount By An Additional Nine Hundred Thousand Dollars (\$900,000.00) For "Worst Streets" Road Improvements, For A Total Contract Authorization Of Four Million Five Hundred Ninety-Eight Thousand Nine Hundred Ninety-Five Dollars And Eighty Cents (\$4,598,995.80)
[13-0726](#)

Scheduled to *Public Works Committee on 7/22/2014

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S-4.18 Subject: Circus Events In The City Of Oakland
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On Draft Regulations For Circus Events In The City Of Oakland
[13-0724](#)

Scheduled to *Public Safety Committee on 7/22/2014

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S-4.19 Subject: Illegal Dumping And Graffiti Witness Rewards Campaign
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Establishing A Rewards Fund For Illegal Dumping And Graffiti Witnesses Who Provide Information That Leads To Successful Enforcement Actions And (2) Appropriate \$10,000 For A Related Public Awareness Campaign; On The July 22, 2014 Public Works Committee Agenda
[13-0728](#)

Scheduled to *Public Works Committee on 9/16/2014

S-4.20 Subject: Extend Contract With GRM
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Extend The Contract With GRM Information Management Services For Records And Information Management Services On A Month To Month Basis Until Execution Of A New Contract And The City's Records Inventory Is Transferred To The New Records Management Contractor For A Period No Later Than March 31,2015 In An Amount Not To Exceed \$162,500.00; And 2) Waive The Advertising And Request For Proposals/Qualifications (RFP/Q) Process For The Agreement Extension With Current Contractor GRM Information Management Services; And 3) Proceed With Contract Negotiations And Return To Council Within 90 Days To Award Contract For Records And Information Management Services
[13-0729](#)

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

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S-4.21 Subject: Councilmember Cost-Of-Living Salary Increase For FY 2014-2015
From: Council President Kernighan
Recommendation: Adopt A Resolution Continuing To Waive Past Salary Increases Authorized By The Public Ethics Commission For City Councilmembers And Instead Accept A Salary Of \$76,100.00 For FY 2014-2015, Which Represents A 2.4 Percent Increase Over The Salary That Most Councilmembers Received In FY 2013-2014
13-0733

Scheduled to * Special Meeting of the Oakland City Council on 7/29/2014

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S-4.22 Subject: Permanent Regulations For Crematories
From: Department Of Planning And Building
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, Recommended By The Planning Commission, And As Directed By City Council Under Emergency Ordinance No. 13222 C.M.S., To Amend The Planning Code To Establish Permanent Regulations Pertaining To Crematories Within The City Of Oakland
13-0721

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

This item will also be scheduled as a Public Hearing on July 29, 2014 at the Special City Council meeting.

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#1 Subject: Oakland Sustainable And Fair Compensation Act Of 2014
From: Council President Patricia Kernighan
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion To The Electors At The November 4, 2014 Statewide General Election, The "Oakland Sustainable And Fair Compensation Act Of 2014", A Proposed City Ordinance Establishing A City Minimum Wage And Requiring Paid Sick Leave; And Directing The City Clerk To Fix The Dates For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Law
13-0735

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

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#2 Subject: Informational Report From Civicorps
From: Councilmembers Gibson McElhaney And Kalb
Recommendation: Receive An Informational Report From Civicorps, A Reputable And Experienced Educational And Job Training Program Based In West Oakland, On Their Proposal To Collect Commercial Organic Material, Including Cost Analysis, Anticipated Organics Recycling Rates, Use Of A Local Processing Facility, And Additional Benefits
[13-0734](#)

Scheduled to *Public Works Committee on 7/22/2014

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#3 Subject: Grant Funds To Attitudinal Healing Connection
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$20,000 From Councilmember Kaplan's Anti-Graffiti Mural Funds To Attitudinal Healing Connection For The Third Mural In Their Super Heroes Project On The Freeway Underpass On West Street, Between 35th Street And 36th Street
[13-0736](#)

Scheduled to * Special Meeting of the Oakland City Council on 7/29/2014

This item will be scheduled to the Consent portion of the agenda.

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#4 Subject: Grant To Good Hope Baptist Church's Youth Group
From: President Pro Tempore Rebecca Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$500.00 From Councilmember Kaplan's Pay-Go Funds To Good Hope Baptist Church's Youth Group For Travel And Meal Expenses To Disneyland
[13-0737](#)

Scheduled to * Special Meeting of the Oakland City Council on 7/29/2014

This item will be scheduled to the Consent portion of the agenda.

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5 A Review Of The Council Committees' Actions From July 8, 2014 And Determination Of Scheduling To The City Council Meeting Of July 15, 2014 (MATRIX)

A motion was made by Vice Mayor Reid, 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

- 5.1 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](#)

This item was withdrawn from the July 15, 2014 City Council agenda.

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of July 22, 2014 And The Rules And Legislation Committee Of July 24, 2014

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

The Community & Economic Development Committee will begin at 1:30 p.m. on July 22, 2014.

The Life Enrichment Committee will begin at 4:30 p.m. on July 22, 2014.

- 6.1 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](#)

***Withdrawn and Rescheduled to *Finance & Management Committee on 9/16/2014**

- 7 Subject: Amendments To The Oakland Campaign Reform Act
From: Council President Patricia Kernighan
Recommendation: Adopt An Ordinance Amending The Oakland Campaign Reform Act To Prohibit The Use Or Transfer Of Money From Ballot Measure Committees Controlled By Candidates For City Office Or City Officeholders
[13-0633](#)

A motion was made by Vice Mayor Reid, seconded by Council President Kernighan, that this matter be Continued to the *Rules & Legislation Committee, due back on September 18, 2014. The motion carried by the following vote:

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

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8 Subject: Support For The Policy Direction Of The Rohrabacher Amendment
From: Councilmember Libby Schaaf
Recommendation: Adopt A Resolution To Support The Policy Direction Of The Rohrabacher Amendment Included In The Commerce And Justice Departments' Appropriation Bill To Prohibit The Use Of Funds To Prevent Certain States From Implementing Their Own State Laws That Authorize The Use, Distribution, Possession, Or Cultivation Of Medical Marijuana [13-0668](#)

A motion was made by Member Schaaf, seconded by Member Kalb, 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. The motion carried by the following vote:

Votes: Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan
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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 Ruloes & legislation Committee adjourned the meeting at 12:00 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) 238-6406
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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