



# City of Oakland

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

## Meeting Agenda - FINAL

### \*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 23, 2014

10:45 AM

City Council Chamber, 3rd Floor

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#### **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 October 9, 2014**

**3 Determination Of Schedule Of Outstanding Committee Items**

[Rules102314Item3](#)

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

**Agenda Items To Be Scheduled**

- 4.2** Subject: Cash Management Report  
From: Finance Department  
Recommendation: Receive The Cash Management Report For the Quarter Ended September 30, 2014  
[14-0136](#)
- 4.3** Subject: Durant Mini Park Improvements  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or His Designee, To Execute A Construction Contract With Beliveau Engineering Contractors, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Durant Mini Park Improvements (Project No. C457610), And With Contractor's Bid In The Amount Of Seven Hundred Three Thousand And Three Dollars (\$703,003.00)  
[14-0137](#)
- 4.4** Subject: Settlement Of Claim Of Mary J. Smith  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Invoices Presented By Belfor Property Restoration For The Claim Of Mary J. Smith, City Attorney's Claim No. C29408, In The Amount Of Twenty-Five Thousand Nine Hundred Ninety-Five Dollars And Sixteen Cents (\$25,995.16) (Public Works Department- Sewer-Overflow)  
[14-0138](#)
- 4.5** Subject: Settlement Of Claim Of Paul Traver  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Paul Traver, City Attorney's Claim No. C30094, In The Amount Of Twenty- Three Thousand Four Hundred Dollars And No Cents (\$23,400.00), Payable To Paul Traver (Oakland Police Department - Vehicle Collision)  
[14-0139](#)

- 4.6** Subject: Settlement Of Andre Traylor v. City Of Oakland, Stephen Choi  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Andre Traylor v. City Of Oakland, Stephen Choi, Alameda County Superior Court Case No. RG13-698346, In The Amount Of Eighteen Thousand Six Hundred Twenty-Five Dollars And No Cents (\$18,625.00) As A Result Of Motor Vehicle Accident On Or About November 6, 2012 (Oakland Police Department - Motor Vehicle Collision)  
[14-0140](#)
- 4.7** Subject: Settlement Of Claim Of Liberty Mutual As Subrogee For Valerie Dzubur  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Liberty Mutual Insurance Company In The Amount Of Six Thousand Seven Hundred Twenty-Four Dollars And One Cent (\$6,724.01), Payable To Liberty Mutual Insurance Company As Subrogee For Valerie Dzubur (Fire Services Agency - Auto Collision)  
[14-0141](#)
- 4.8** Subject: Settlement Of Claim Of Liberty Mutual Ins. Co. As Subrogee For Kelly Koehn  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Liberty Mutual Insurance Company, City Attorney's Claim No. C30125, In The Amount Of Six Thousand Two Hundred Sixty-Nine Dollars And Thirty-Three Cents (\$6,269.33) Payable To Liberty Mutual Insurance Company As Subrogee For Kelly Koehn (Oakland Police Department - Auto Collision)  
[14-0142](#)
- 4.9** Subject: Settlement Of Claim Of Kevin Flynn  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Kevin Flynn, City Attorney's Claim No. C30159, In The Amount Of Seven Thousand Five Hundred Sixty-One Dollars And Twenty-Five Cents (\$7,561.25), Payable To Kevin Flynn (Oakland Fire Department - Automobile Collision)  
[14-0143](#)
- 4.10** Subject: Settlement Agreement Of Nancy Lee, Et Al.  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Nancy Lee, Monica Lee, And Samantha Lee v. City Of Oakland, Alameda County Superior Court Case No. RG12641451, City Attorney's File No. 28903, In The Amount Of Two Million Dollars (\$2,000,000.00) (Public Works Department - Dangerous Condition)  
[14-0144](#)

- 4.11** Subject: Construction Extension  
From: President Pro Tempore Rebecca Kaplan  
Recommendation: Adopt A Resolution (A) Extending Until December 31, 2015 The Expiration Date Of Permits Issued Under The Authority Of Title 17 Of The Oakland Municipal Code (Planning Code), Creek Protection Permits Issued Under The Authority Of Chapter 13.16 Of The Oakland Municipal Code, And Development-Related Tree Protection Permits Issued Under The Authority Of Chapter 12.36 Of The Oakland Municipal Code That Otherwise Would Expire On Or Prior To January 1, 2015 Or During 2015, Upon Request And Payment Of The Administrative Fee  
[14-0145](#)
- 4.12** Subject: East Bay Bus Rapid Transit Project Updates, Approvals And Appropriations  
From: Oakland Public Works Department  
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Accepting And Appropriating Up To \$1,450,000 In East Bay Bus Rapid Transit (BRT) Project Funds From AC Transit For Reimbursement Of City Of Oakland Staff Costs For The Final Design And Construction Phase Activities And Authorizing The City Administrator To Approve The Cost Allocation Plan; And  
[14-0146](#)
  - 2) A Resolution Approving The East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Plan For Advanced Utility Relocations And The Parking And BRT Business Impact Mitigation Plans For Fruitvale Bypass And Off-Street Parking Lot Construction In The Fruitvale And Elmhurst Areas Of Oakland; And  
[14-0147](#)
  - 3) A Resolution Accepting And Appropriating Up To \$2,500,000 From AC Transit To The Development And Implementation Of The City Of Oakland Business Sustainability Program Of The East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund; And  
[14-0148](#)
  - 4) A Resolution Waiving The Competitive Request For Proposal ("RFP") Selection Requirement And Authorizing The City Administrator To Enter Into A New Professional Services Agreement With The Oakland Business Development Corporation (OBDC) In An Amount Not To Exceed \$500,000 To Administer The Startup Phase Of The Technical Assistance Element Of The City Of Oakland East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund; And  
[14-0149](#)
  - 5) A Resolution Allocating \$1,000,000 In Fiscal Year 2015 - 2016 And Fiscal Year 2016 - 2017 Community Development Block Grant Funds To The City Of Oakland East Bay Bus Rapid Transit (BRT) Project Business Impact Mitigation Fund - Business Sustainability Program  
[14-0150](#)

**4.13** Subject: 1601 and 1605 Clay Street Major Encroachment Permit  
From: Planning And Building Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 360 Ventures II, LLC To Allow An Existing Basement For The Building Located At 1601 And 1605 Clay Street To Encroach Into The Public Right-Of-Way Along The Building's Frontage Under The Sidewalks On Clay Street And 16th Street  
[14-0151](#)

Subject: Honoring Neighborhood Volunteer Leaders Of Council District 2  
From: Council President Patricia Kernighan  
Recommendation: Adopt A Resolution Honoring The Neighborhood Volunteer Leaders Of Council District 2  
[14-0152](#)

**5 A Review Of The Draft Agendas For The Special Council Meeting Of Wednesday, November 5, 2014 And The Rules And Legislation Committee Of November 6, 2014**

**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.

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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.**