



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>

Thursday, October 23, 2014

10:45 AM

City Council Chamber, 3rd Floor

*The Oakland City Council Rules & Legislation Committee convened at 10:57 a.m.,
with Council President Kernighan presiding as Chairperson.*

Roll Call / Call To Order

The Roll Call was modified to note Councilmember Schaaf present at 11:15 a.m.

Present 4 - Laurence E. Reid, Patricia Kernighan, Libby Schaaf, and Dan Kalb

1 Determinations Of Closed Session

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

Aye: 3 - Reid, Kernighan, and Kalb

Absent: 1 - Schaaf

2 Approval Of The Draft Minutes From The Committee Meeting Of October 9, 2014

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

Aye: 3 - Reid, Kernighan, and Kalb

Absent: 1 - Schaaf

Agenda Items To Be Scheduled

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:

Aye: 3 - Reid, Kernighan, and Kalb

Absent: 1 - Schaaf

[Rules102314Item3](#)

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:

Aye: 3 - Reid, Kernighan, and Kalb

Absent: 1 - Schaaf

- 4.2** Subject: Cash Management Report
From: Finance Department
Recommendation: Receive The Cash Management Report For the Quarter Ended September 30, 2014
[14-0136](#)

Attachments: [View Report.pdf](#)

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

- 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](#)

Attachments: [View Report.pdf](#)

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

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](#)

Attachments: [View Report.pdf](#)
[85233 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85234 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85235 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85236 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85237 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85238 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

Attachments: [View Report.pdf](#)
[85239 CMS.pdf](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 11/5/2014

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](#)

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

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](#)

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

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

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](#)

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

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](#)

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

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](#)

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

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](#)

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

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](#)

Attachments: [View Report.pdf](#)

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

Items Submitted On The Dais

Subject: Recognizing First New Jerusalem Missionary Baptist Church
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Recognizing First New Jerusalem Missionary Baptist Church For Their Outstanding Leadership In Education And Community Development For The Children And Families Of Oakland
[14-0132](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 1/6/2015

Subject: Report On The Outstanding Work Of Natthan Mesfin
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report On The Outstanding Work Of 9 Year Old Natthan Mesfin In Organizing And Raising Funds For A Sleeping Bag Give-Away To Homeless Individuals [TITLE CHANGE]
[14-0113](#)

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

This Informational Report was Scheduled.to the *Life Enrichment Committee to be heard 11/12/2014

Subject: Report On The Outstanding Work Of Hanna Solomon
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report On The Outstanding Work Of 16 Year Old Hanna Solomon In Organizing A Coat Drive For Deserving Individuals [TITLE CHANGE]
[14-0112](#)

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

This Informational Report was Scheduled.to the *Life Enrichment Committee to be heard 11/12/2014

Subject: 50th Anniversary Of The Wilderness Act
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Honoring 50th Anniversary Of The Wilderness Act Which Allowed To Protect And Preserve America's Pressures Wilderness For Present And Future Generations Of Human, Plant, Animal And Other Living Species
[14-0133](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 12/9/2014

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](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 12/9/2014

Subject: Recognizing Michele A. Silva
From: Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Honoring Michele A. Silvia For Her 33 Years Of Dedicated Service To The City Of Oakland And Congratulating Her On Her Recent Retirement
[14-0153](#)

Attachments: [View Report.pdf](#)

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

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

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

Aye: 4 - Reid, Kernighan, Schaaf, and Kalb

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 11:25 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

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

[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.**