



# City of Oakland

## Meeting Agenda

### \*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>

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Thursday, December 3, 2015

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:**

Abel J. Guillén, District 2; Dan Kalb, District 1; President Pro Tempore Larry Reid, District 7; Chairperson: Council President Lynette Gibson McElhaney, District 3

1 Determinations Of Closed Session

[15-0241](#)

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

- 2 Approval Of The Draft Minutes From The Committee Meeting Of November 12, November 19, And November 26, 2015

[15-0242](#)

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

*There are no minutes to approve for November 12 And November 26, 2015 as those meetings were cancelled.*

- 3 Determination Of Schedule Of Outstanding Committee Items

[15-0243](#)

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

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

[15-0244](#)

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

- 4.1 Subject: Honoring Audree V. Jones-Taylor Upon Her Retirement  
From: President Pro Tempore Reid  
Recommendation: Adopt A Resolution Recognizing And Honoring Oakland Parks And Recreation Director Audree V. Jones-Taylor For More Than 10 Years Of Dedicated Service To The Residents Of The City Of Oakland Upon Her Retirement; On The December 8, 2015 Special City Council Meeting As A Ceremonial Item

[15-0377](#)

- 4.2 Subject: Settlement Agreement - New Cingular LLC  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of New Cingular Wireless LLC, Et Al. V. City Of Oakland, Et Al., Los Angeles County Superior Court Case No. BC462270 City Attorney's File No. X03697, In The Amount Of Seven Hundred Twenty-Five Thousand Nine Hundred Fifty-Four Dollars And No Cents (\$725,954.00) (Revenue); On The December 8, 2015 Special City Council Agenda As A Consent Item

[15-0381](#)

- 4.3 Subject: Settlement Agreement - In Re Municipal Derivatives Antitrust Litigation  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Approving Partial Settlement Of In Re Municipal Derivatives Antitrust Litigation, United States District Court Southern District Of New York, MDL No. 1950, Authorizing Acceptance Of Payment From George K. Baum Of \$35,000 And Acceptance Of Payment From Societe Generale Of \$263,089 In Exchange For Dismissal Of The Lawsuit By The City; On The December 8, 2015 Special City Council Agenda As A Consent Item

[15-0382](#)

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

- 4.4** Subject: Declaring A Shelter Crisis In The City Of Oakland  
From: Office Of The Mayor  
Recommendation: Reschedule A Previously Scheduled Item From The January 12, 2016 Community & Economic Development Committee To The December 8, 2015 Special City Council Agenda:  
  
Adopt An Ordinance Declaring A Shelter Crisis In The City Of Oakland, Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons, And Suspending Planning, Zoning, And Other Permit Requirements [15-0352](#)
- 4.5** Subject: Rent Relief For Businesses In City Owned Properties In Latham Square  
From: Council President Lynette Gibson McElhaney  
Recommendation: Adopt A Resolution For Rent Relief And Other Policies To Mitigate Harms On Local Businesses In City Owned Properties In Latham Square Impacted By The Continuing City Construction; On The December 15, 2015 Finance & Management Committee Agenda  
[15-0411](#)
- 4.6** Subject: PFRS Report As Of September 30, 2015  
From: Finance Department  
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System's Investment Portfolio As Of September 30, 2015; On The December 15, 2015 Finance & Management Committee Agenda  
[15-0413](#)
- 4.7** Subject: Thermoplastic Pre-Melting Kettles  
From: Finance Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Mark Rite Lines Equipment Co., Inc., The Lowest Responsible, Responsive Bidder, A Corporation, To Provide Two (2) 2015 Model Trailer Mounted Thermoplastic Pre-Melting Kettles, In An Amount Not To Exceed One Hundred Six Thousand Seven Hundred Forty-Nine Dollars And Fifty-Five Cents (\$106,749.55) Per Request For Quotation (RFQ) No. 5485, Specification No. 15-070-59 And The General Conditions Therefor On File In The Purchasing Section According To Its Bid Filed With The City On April 20, 2015; On The December 15, 2015 Finance & Management Committee Agenda  
[15-0414](#)
- 4.8** Subject: Resolution To Redirect Funds For Illegal Dumping Mitigation  
From: Keep Oakland Clean And Beautiful  
Recommendation: 1) Receive A Report Detailing Illegal Dumping And Enforcement; And  
[15-0415](#)

2) Adopt A Resolution Authorizing The City Administrator To Redirect Use Of One Hundred Thousand Dollars (\$100,000) Designated For Mattress Recycling Pilot Program In Recycling Program Fund (1710) For Use As Illegal Dumping Mitigation Funding; On The December 15, 2015 Public Works Committee Agenda  
[15-0416](#)

**4.9** Subject: PG&E Substation C MOU & LUC  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding Negotiated Between Pacific Gas And Electric (PG&E) And The City Of Oakland And A Land Use Covenant Between The California Department Of Toxic Substances Control And The City Of Oakland Regarding Potential Contamination Beneath The Sidewalk Adjacent To PG&E's Substation C Property; On The December 15, 2015 Public Works Committee Agenda  
[15-0417](#)

**4.10** Subject: DDA For 2330 Webster Street & 2315 Valdez Street  
From: Economic & Workforce Development Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And TDP Webster, LLC Or A Related Entity ("Developer" Or "TDP") That Provide For The Following: 1) The Sale Of Two Contiguous City-Owned Parcels Located At 2330 Webster Street And 2315 Valdez Street To Developer For Their Combined Appraised Market Value Of \$9,450,000; 2) The Developer's Construction On The Property Of A Residential Mixed-Use Project, Including Ground Floor Retail Space And A Public Parking Garage; 3) The City's Purchase From The Developer Of The Public Parking Garage For A Cost Not To Exceed \$13,468,780; 4) Negotiation And Execution Of Agreements Providing For Easements And Entry Rights And Other Matters Required For The Operation And Maintenance Of The Public Parking Garage; And 5) Negotiation And Execution Of Amendments To Existing Parking License Agreements With Third Parties To Facilitate Development of the Project; On The December 15, 2015 Community & Economic Development Committee Agenda And As A Public Hearing On January 5, 2016  
[15-0406](#)

**4.11** Subject: Amendments To The Ellis Act Ordinance  
From: Housing & Community Development Department  
Recommendation: Adopt An Ordinance To Amend The Ellis Act Ordinance O.M.C. 12539 C.M.C. To (1) Extend Relocation Payments To All Households Regardless Of Income; (2) Set The Base Amount Of Relocation Payment At \$8,000 Per Unit; (3) Require An Additional Payment Of \$2,500 Per Unit For Units With Tenants Who Are Seniors, Disabled, Low-Income, Or Families With Minor Children; And (4) Require That Half Of The Payment Be Made When The Termination Notice Is Given And The Other Half Of The Payment Made Upon Tenant's Move Out; On The December 15, 2015 Community & Economic Development Committee Agenda  
[15-0407](#)

**4.12** Subject: Coliseum Transit Village Owner Participation Agreement (OPA)  
From: Economic & Workforce Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute (1) An Owner Participation Agreement Between The City Of Oakland (“City”), The Oakland Economic Development Corporation (“OEDC”) And Urban Core Partners, LLC (“Urban Core”) And (2) A Development Loan Agreement Between The City, OEDC And Urban Core For A Loan Amount Not To Exceed Eleven Million Six Hundred Dollars (\$11,600,000) For The Coliseum Transit Village Phase I Project By: (A) Utilizing \$8,000,000 In Previously Approved Project Funds From The Coliseum Redevelopment Bond Expenditure Agreement; And (B) Re-Allocating \$3,200,000 Million In 2006 Coliseum Taxable Bond Funds For The Coliseum Transit Village Phase I Project; And (C) Amending The Coliseum Redevelopment Bond Spending Plan By Re-Appropriating And Re-Allocating Coliseum Redevelopment Taxable Bond Funds- Coliseum City Specific Plan In The Amount Of \$400,000 For A Total Of \$11,600,000 In Coliseum Taxable Bond Funds; And

[15-0409](#)

2) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute A Memorandum Of Understanding With The Bay Area Rapid Transit District (“BART”) For Purposes Of Providing Additional Coliseum BART Surface Parking On The City Owned Parking Lot Located On Snell Street (APN #: 041-4170-005-04), Between 69th And 75th Avenues And Along City Right Of Way On A Portion Of 71st Avenue And On Snell Street Between 69th And 75th Avenues; On The December 15, 2015 Community & Economic Development Committee Agenda

[15-0410](#)

**4.13** Subject: Brooklyn Basin Affordable Housing  
From: Housing & Community Development Department  
Recommendation: Adopt A Resolution Approving The Financing Plan For Developing Affordable Housing At The Brooklyn Basin Project, And Authorizing Submittal Of A Petition For A Final And Conclusive Determination By The California Department Of Finance (DOF) Of The Enforceable Obligation To Fund Such Development; On The December 15, 2015 Community & Economic Development Committee Agenda

[15-0418](#)

**4.14** Subject: 2015-2016 WIB Budget Follow-Up  
From: Economic & Workforces Development Department  
Recommendation: Receive An Informational Report To Further Explain, Clarify, And Examine Administrative And Program Support Costs In The Workforce Investment Board Budget And Evaluate Any Possible Reallocation Of Funds In Fiscal Year 2015-16; On The December 15, 2015 Community & Economic Development Committee Agenda

[15-0419](#)

- 4.15** Subject: Criteria For Allocation Of Raider Ticket Surcharge Funds  
From: Oakland Parks And Recreation Department  
Recommendation: Receive A Report And Recommendation To The City Council To Accept And Continue With The Current Criteria For Allocation Of Raider Ticket Surcharge Funds Used To Expose Oakland's Youth To Non-Traditional Sports (Tennis, Golf, Girls Sports), Aquatics (Swimming, Tallship Sailing, Sailing And Boating), Outdoor Recreation (Camping, Surfing, Rock Climbing) And Cultural Events; On The December 15, 2015 Life Enrichment Committee Agenda  
[15-0420](#)
- 4.16** Subject: Goat Grazing Contract  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: Enter Into A Professional Services Contract With Ecosystems Concepts, Inc. (ECI), For The Purpose Of Providing Fire Prevention Services In The Manner Of Goat Grazing, To The City Of Oakland Within The Designated Wildland Urban Interface Area Known As The Wildfire Prevention District For A Two (2) Year Six (6) Month Period Beginning July 1, 2015 Through December 31, 2017, For A Total Contract Amount Not To Exceed Six Hundred Seventy-Five Thousand, Five Hundred Seventy-Five Dollars (\$675,575.00) For The Entire Two Year (2) Six Month (6) Period; On The December 15, 2015 Public Safety Committee Agenda  
[15-0402](#)
- 4.17** Subject: Fiscal Year 2015, Urban Search And Rescue Grant  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To: 1) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal FEMA Funds For The Period September 30, 2015 To September 30, 2018, In The Amount Of One Million Two Hundred Twenty-Nine Thousand Five Hundred Eighty-Two Dollars (\$1,229,582) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force) And To Host The US&R Medical Team Training In June 2016; 2) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration and other Government Pricing Schedules; 3) Waive The City's Advertising, Competitive Bidding And Purchasing Requirements For The Procurement Of Equipment When Required By The Grant Funds; And 4) Approve Travel For City Personnel That Provide Services Under The FEMA Cooperative Agreement On Short Notice Without Further Council Authorization; On The December 15, 2015 Public Safety Committee Agenda  
[15-0403](#)

- 4.18** Subject: Oakland School Police Vehicle Donation  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept Six Used Patrol Motorcycles, One Used Vehicle Trailer, And One Used Panel Van, At No Initial Cost To The City Of Oakland, To Be Used For Official OPD Purposes; On The December 15, 2015 Public Safety Committee Agenda  
[15-0404](#)
- 4.19** Subject: Forensic Biology Supply Purchase  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Waive The City's Competitive Advertising And Bidding Requirements For The Purchase Of DNA Analysis Supplies, Instrumentation, Instrument Services, and DNA Interpretation Software From Applied Biosystems (A.K.A. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/USA Scientific And Promega; And Sexual Assault Evidence Collection Kits From Tritech, Inc., For A Total Cost Not To Exceed \$465,000; And 2) To Extend The Purchasing Agreement With Each Vendor Without Returning To City Council Through June 30, 2020, For A Total Cost Not To Exceed \$330,000 Per Fiscal Year; On The December 15, 2015 Public Safety Committee Agenda  
[15-0405](#)
- 4.20** Subject: Cannabis Regulatory Commission Biennial Report  
From: Office Of The City Administrator  
Recommendation: Receive The Cannabis Regulatory Commission Biennial Report; On The December 15, 2015 Public Safety Committee Agenda  
[15-0421](#)
- 4.21** Subject: Imposing A Ban On Unsecured Concealable Firearms  
From: Vice Mayor Rebecca Kaplan And Barbara Parker, City Attorney  
Recommendation: Adopt An Ordinance Banning Unsecured Concealable Firearms, Long Guns, And Ammunition In Unattended Vehicles; On The December 15, 2015 Public Safety Committee Agenda  
[15-0422](#)
- 4.22** Subject: City Issued Firearms  
From: Vice Mayor Rebecca Kaplan And Barbara Parker, City Attorney  
Recommendation: Adopt An Ordinance Requiring That City-Issued Firearms Be Secured In Unattended Private Vehicles By Placing Them In The Locked Trunk Of The Vehicle Or In A Locked Container Inside The Vehicle That Is Not Visible; On The December 15, 2015 Public Safety Committee Agenda  
[15-0423](#)

**4.23** Subject: Large Capacity Magazine Ban & Safe Firearm Storage  
From: Councilmembers Dan Kalb & Annie Campbell Washington  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Prohibiting The Possession Of Large-Capacity Firearm Magazines;  
And  
[15-0424](#)

(2) An Ordinance Providing Safe Storage Requirements (A) For Firearms In Residences And (B) For Concealed Carry Permittees To Secure Firearms In Automobiles And Directing The City Administrator To Return To Council In Six Months With A Proposal To Extend Such Requirements To Law Enforcement To Secure Firearms In Automobiles  
[15-0425](#)

**4.24** Subject: Golden Gate Renaming  
From: Oakland Parks And Recreation Department  
Recommendation: Adopt A Resolution Renaming The Golden Gate Recreation Center To The Charles Porter Golden Gate Recreation Center; On The December 17, 2015 Rules & Legislation Committee Agenda And As A Public Hearing On January 5, 2016  
[15-0408](#)

**4.25** Subject: State Legislative Activities & Proposed 2016 State Legislative Priorities  
From: Office Of The Mayor  
Recommendation: Receive A Report On 2015 State Legislative Activities And Accomplishments, And Take Possible Action On Proposed 2015-16 State Legislative Priorities; On The December 17, 2015 Rules & Legislation Committee Agenda  
[15-0412](#)

**5** A Review Of The Council Committees' Actions From December 1, 2015 And Determination Of Scheduling To The City Council Meeting Of December 8, 2015 (MATRIX)  
[15-0245](#)

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

**6** A Review Of The Draft Agendas For The Special Council Committee Meetings Of December 15, 2015 And The Rules And Legislation Committee Of December 17, 2015  
[15-0329](#)

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

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

**Adjournment**



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**Office of the City Clerk - Agenda Management Unit**

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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.**