



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 - SUPPLEMENTAL

*Rules and Legislation Committee - CANCELLED

Thursday, October 6, 2016

10:45 AM

City Council Chamber, 3rd Floor

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

[16-0172](#)

2 Approval Of The Draft Minutes From The Committee Meeting Of September 22, 2016

[16-0173](#)

Attachments: [View Report](#)

3 Determination Of Schedule Of Outstanding Committee Items

[16-0174](#)

Attachments: [View Report](#)

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

[16-0175](#)

Attachments: [View Report](#)

4.1 Subject: Council President McElhaney Travel Reimbursement

From: Council President Lynette Gibson McElhaney

Recommendation: Adopt A Resolution Authorizing Reimbursement For Council President Lynette Gibson McElhaney's Costs Of Approximately \$1,521.23 From The Council Contingency Fund For Travel To Washington, DC For Attendance At The Annual Legislative Conference Of The Congressional Black Caucus From September 14 - 18, 2016; On The October 18, 2016 City Council Agenda

[16-0290](#)

4.2 Subject: Travel Authorization- Council Member Brooks

From: Council Member Desley Brooks

Recommendation: Adopt A Resolution Authorizing Councilmember Brooks To Travel To Denver, Colorado To Attend The Denver Marijuana Management Symposium From October 26 - 29, 2016; On The October 18, 2016 City Council Agenda

[16-0287](#)

4.3 Subject: National Childhood Lead Poisoning Prevention Week

From: Council President Lynette Gibson McElhaney

Recommendation: Adopt A Resolution Declaring October 23rd To October 29th As National Childhood Lead Poisoning Prevention Week; On The October 18, 2016 City Council Agenda

[16-0289](#)

4.4 Subject: Affordable Housing On The Oak To Ninth Project

From: Gene Hazzard

Recommendation: An Informational Report Related To The April 4, 2016 And The May 16, 2016 Letters From The State Department Of Finance Denying The City's Request For The Enforceable Obligation Of The Use Of \$4,000,000.00 For The Construction Of Affordable Housing On The Oak To Ninth Project Also Provide The Percentage Of Ownership In The Project Of Oakland Harbor Partners (AKA Signature Properties) And Zarison. Include ,The Current Status Of The Funds On Hand For The Construction Of Affordable Housing On The Oak To 9th Project; On The October 18, 2016 City Council Agenda

[16-0273](#)

4.5 Subject: Settlement Authority For City Attorney Pursuant To City Charter Section 401(6)
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Attorney To Settle Claims And Litigation For Twenty Five Thousand Dollars (\$25,000) Or Less; On The October 18, 2016 City Council Agenda
[16-0291](#)

4.6 Subject: 2015-2016 Alameda County Grand Jury Reports/City of Oakland
From: Office Of The City Administrator
Recommendation: Receive Response Prepared By The Public Ethics Commission And Provide A City Council Response To The 2015-2016 Alameda County Grand Jury Final Report Titled "Political Interference With Oakland Townhouse Project"; On The October 18, 2016 City Council Agenda
[16-0242](#)

Legislative History

9/29/16	*Rules & Legislation Committee	Continued to the *Rules & Legislation Committee
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4.7 Subject: Settlement Agreement - Herb Levine V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Herb Levine V. City Of Oakland, Alameda County Superior Court Case No. Rg15-769001, In The Amount Of Ten Thousand Dollars And No Cents (\$10,000.00) As A Result Of A Trip And Fall Accident On June 6, 2014 (Public Works - Dangerous Condition); On The October 18, 2016 City Council Agenda
[16-0292](#)

4.8 Subject: Claim Of Samyah Zachery
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Samyah Zachery, In The Amount Of Six Thousand Dollars And 00/100 Cents (\$6,000.00) (Oakland Police Department Automobile Collision); On The October 18, 2016 City Council Agenda; On The October 18, 2016 City Council Agenda
[16-0293](#)

- 4.9** Subject: Partial Settlement Of In Re Municipal Derivatives Antitrust Litigation
From: Off Of The City Administrator
Recommendation: 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 UBS AG Of \$75,000.00, Acceptance Of Payment From Piper Jaffray & Co. Of \$45,000.00, And Acceptance Of Payment From Natixis Funding Corp. Of \$70,000.00 In Exchange For Dismissal Of The Lawsuit By The City; To Be On The October 18, 2016 City Council Agenda
[16-0294](#)
- 4.10** Subject: Abatement And Abandoned Vehicles
From: Mary Maultsby-Jeffrey
Recommendation: Request Full Report On Abatement And Abandonment Of Vehicles Left On The Streets Of Oakland For More Than 72 Hours And Cars Being Parked On The Streets Of Oakland By Unlicensed Or Licensed Auto Dealers Who Are Using The Streets Of Oakland To Sell Mass Numbers Of Vehicles (Many Of Them Unoperable). Request Information Regarding Ticketing Of These Vehicles Who Have No License Plates, Are Not Moved On Street Sweeping Day And Are Not Being Ticketed By Any Agency; As Soon As Possible On The Public Works Committee Agenda
[16-0272](#)
- 4.11** Subject: Update On The Henry J. Kaiser Convention Center Adaptive Reuse Project

From: Economic And Workforce Development
Recommendation: Receive An Informational Update From Orton Development, Inc., On The Progress Of The Henry J. Kaiser Convention Center Adaptive Reuse Project; On The October 25, 2016 Community And Economic Development Committee Agenda
[16-0278](#)
- 4.12** Subject: Rent Adjustment Annual Report For FY 2014-15 And FY 2015-16
From: Housing And Community Development Department
Recommendation: Receive The Annual Report Of The Rent Adjustment Program For Fiscal Year (FY) 2014-2015 & 2015-2016; On The October 25, 2016 Community And Economic Development Committee Agenda
[16-0277](#)

4.13 Subject: Macarthur Station - Consent To Property Conveyance

From: Economic And Workforce Development

Recommendation: Recommend The Oakland Redevelopment Successor Agency ("ORSA") And The City Council Adopt The Following Pieces Of Legislation:

1) An ORSO Resolution Authorizing The ORSA Administrator Or Designee To (A) Execute A Consent To The Conveyance Of Parcels A And C-1 Of Macarthur Station By Macarthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of An Owner Participation Agreement ("OPA") Between ORSA And MTCP; And (B) Amend The OPA To (1) Reduce And Size Of The Retail Component For Each Parcel And Establish Retail Leasing Requirements For Parcel A, And (2) Extend Certain Development Deadlines; Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding Certain Of The Above Actions Are Not A "Project" Under CEQA; And

[16-0275](#)

2) A City Resolution Authorizing The City Administrator Or Designee To Execute A Consent To The Conveyance Of Parcels A And C-1 Of Macarthur Station By MTCP To Hines INC., Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of A Development Agreement Between The City Of Oakland And MTCP; And Relying On The Previously Certified 2008 Environmental Impact Report And 2015 Ceqa Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding The Conveyance Is Not A "Project" Under CEQA; On The October 25, 2016 Community And Economic Development Committee Agenda

[16-0276](#)

4.14 Subject: Macarthur Bart Parcels A And C1 Revision To FDP

From: Planning And Building Department

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A

Resolution: (A) Affirming Reliance On The Macarthur Station Project Environmental Impact Report (SCH No. 200622075) And That No Additional Environmental Review Is Needed Pursuant To CEQA Guidelines Sections 15162-15164 And Adopting Related CEQA Findings; And (B) Revising The MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01, Assessor Parcel Numbers 012 102501000 and 102501300), As Recommended By The Planning Commission; On The October 25, 2016 Community And Economic Development Committee Agenda With A Public Hearing On November 1, 2016

[16-0274](#)

- 4.15** Subject: Additional Funding For West Oakland Neighborhood Career Center
From: Economic And Workforce Development
Recommendation: Adopt A Resolution Further Amending Resolution Number 86253 C.M.S. Which Adopted The Fiscal Year 2016-17 Workforce Investment Budget And Authorized Service Provider Contracts, To Authorize An Additional \$48,098 In Contract Funding To The Oakland Private Industry Council To Operate The West Oakland One-Stop Neighborhood Career Center; On The October 25, 2016 Community And Economic Development Committee Agenda
[16-0203](#)

Legislative History

9/15/16

*Rules & Legislation
Committee

Scheduled to the *Community & Economic
Development Committee

- 4.16** Subject: Substance Abuse & Mental Health Services Grant
From: Human Service Department
Recommendation: Adopt A Resolution To Authorize The City Administrator To: (1) Accept And Appropriate A Grant Of \$1,000,000 Annually For Each Of Five Years From The United States Substance Abuse And Mental Health Services Administration (SAMHSA) From September 30, 2016 Through September 30, 2021; (2) Enter Into An Agreement With Alameda County Health Care Services Agency, For An Amount Not To Exceed \$100,000, To Provide Trauma-Informed Care Trainings For 500 Providers From September 30, 2016 To September 29, 2017 And Waive The Competitive Process; And (3) Enter Into Professional Services Agreements With The Following Agencies From September 30, 2016 To September 29, 2017: Resource Development Associates For An Estimated Amount Of \$65,000 To Provide Technical Support To Development Of Community Needs And Strategic Planning Deliverables Prevention Institute For An Estimated Amount Of \$20,000 To Provide Curriculum For Community Resilience Trainings; And (4) Enter Into Grant Agreements With Mental Health Clinicians/Consultants Selected Through A Competitive Process In A Total Amount Not To Exceed \$240,000 To Provide Services To 600 Individuals And Families Without Returning To Council In Order To Timely Complete Required SAMHSA Contract Deliverables; On The October 25, 2016 Life Enrichment Committee Agenda
[16-0288](#)

- 4.17** Subject: Homeless Encampments 16-17
From: Office Of the Human Services Department
Recommendation: Informational Report On The Compassionate Communities Pilot Program And A Resolution Authorizing The City Administrator To: 1. Enter Into Grant Agreements With Bay Area Community Services In An Amount Not To Exceed \$121,000 And Alameda County Health Care Services Agency In An Amount Not To Exceed \$69,000 To Provide Services To The Homeless Encampment At 35th Street And Peralta Avenue For The Period Of October 1, 2016 Through June 30, 2017; And 2. Accept And Appropriate Any Additional Encampment Services Funds From Alameda County, State Of California Community Services Block Grants, The City Of Emeryville, And Any Other Sources During The Period Of October 1, 2016 Through June 30, 2017, And Amend The Above Grant Agreements To Increase The Grant Amounts Or Extend The Grant Term For Additional Encampment Services Efforts Without Returning To Council; On The October 25, 2016 Life Enrichment Committee Agenda [16-0286](#)
- 4.18** Subject: Amendments To The Oakland Fire Code
From: Oakland Fire Department
Recommendation: Adopt An Ordinance 1) Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And 2) Adopting And Making Local Amendments To The 2016 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code As The Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code; On The October 25, 2016 Community And Economic Development And Public Safety Committee Agendas With A Public Hearing To Be Held On November 1, 2016 And November 29, 2016
[16-0283](#)

4.19 Subject: Measure Z Evaluation Services Contract Award
From: Office Of The City Administrator
Recommendation: Resolution Authorizing The City Administrator To:

1) Enter Into A Professional Services Agreement With Mathematica Policy Research, Inc. To Conduct A Comprehensive Evaluation Of Select Oakland Unite Strategies For \$175,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For \$179,000 Per Year, For A Total Contract Amount Not To Exceed \$712,000 (Seven Hundred Twelve Thousand Dollars); And

2) Enter Into A Professional Services Agreement With Mathematica Policy Research, Inc. To Conduct Annual Evaluations Of All Oakland Unite Programs And Strategies For \$170,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$185,000 Per Year, For A Total Contract Amount Not To Exceed \$725,000 (Seven Hundred Twenty-Five Thousand Dollars); And

3) Enter Into A Professional Services Agreement With Resource Development Associates To Conduct Annual Evaluations Of The Police Department's Geographic And Community Policing Programs For \$102,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For \$132,000 Per Year, For A Total Contract Amount Not To Exceed \$498,000 (Four Hundred Ninety-Eight Thousand Dollars); On The October 25, Public Safety Committee Agenda.

[16-0282](#)

4.20 Subject: OPD Crime Lab Supplies Procurement
From: Oakland Police Department
Recommendation: Adopt A Resolution Waiving The City's Competitive Advertising And Bidding, And The Request For Proposals/Qualifications Requirements For The Purchase Of Certified And Accredited Forensic Laboratory Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Crime Laboratory Subject Matter Experts Determine Such Supplies And / Or Services Are Required By Forensic Casework Conditions, The Laboratory's Validated Methods, Or Its Quality Assurance Program, Or Needed For The Timely Analysis Of Evidence, Or When The Materials Or Services Are Available From Only One Source, In The Amount Of Up To Three Hundred Fifty Thousand Dollars (\$350,000) Per Fiscal Year Through June 30, 2020 For A Total Cost Not To Exceed One Million Four Hundred Thousand Dollars (\$1,400,000); On The October 25, 2016 Public Safety Committee Agenda

[16-0281](#)

4.21 Subject: FY 2016-17 Justice Local Assistance Grant (JAG) Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate The Fiscal Year (FY) 2016 U.S. Department Of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In An Amount Not To Exceed Six Hundred And Nine Thousand, Seven Hundred Eighty Dollars (\$609,780) For October 1, 2015 Through September 30, 2019; On The October 25, 2016 Public Safety Committee Agenda
[16-0280](#)

4.22 Subject: Waterways Enforcement Equipment Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation, Division Of Boating And Waterways, In An Amount Not To Exceed Forty-Four Thousand Three Hundred And Eighty-Two Dollars (\$44,382) By September 30, 2017, To Purchase Equipment For The Marine Enforcement Unit (MEU) Of The Oakland Police Department (OPD); On The October 25, 2016 Public Safety Committee Agenda
[16-0279](#)

4.23 Subject: Censure of President of the Council Lynette Gibson--McElhaney.
From: Councilmember Desley Brooks On Behalf Of Members Of The Public
Recommendation: Schedule The Following:

A) A Censure Hearing, And Possible Referral To The Alameda County District Attorney's Office, Of Councilmember Lynnette Gibson--McElhaney For Violation Of The City And State Laws, Council Rules Of Procedure, Ethics Rules And Oakland City Charter Investigated And Established By The Alameda County Grand Jury. Charges: 1) Councilmember Gibson-Mcelhaney Had A Conflict Of Interest That Prohibited Her From Using Her Elected Position To Influence An Administrative Decision On The Townhouse Project. 2) Councilmember Gibson-Mcelhaney Violated Ethics Rules By Privately Contacting A Department Head And City Staff To Argue Personal Objections, Resulting In The Department Head Re-Evaluating The Project. This Gave The Appearance That The Department Head Was An Advocate For The Councilmember. 3) Councilmember Gibson-McElhaney Improperly Used City Resources By Having Her Chief Of Staff Draft A Letter For Her In Opposition To The Project For The Councilmember. The Grand Jury Believes That Was A Misuse Of City Resources Solely Intended To Benefit The Councilmember Personally. 4) Councilmember Gibson-McElhaney Violated Of City And State Rules, During A Planning Commission Hearing, Where She Inappropriately Used Her Position To Question City Policy, To Challenge Staff, And To Interrupt Proceedings. 5. Councilmember Gibson-McElhaney Violated Section 218 Of The City Charter; And
[16-0284](#)

B) And An Informational Report From The City Council And Public Ethics Commission Explaining Why No Action Has Been Taken. The Grand Jury Concluded That The Failure Of The Oakland City Council And The Oakland Public Ethics Commission To Recognize And Address These Breaches Of Ethical Standards Is Unacceptable; On The October 18, 2016 City Council Agenda.

[16-0285](#)

- 5 A Review Of The Draft Agendas For The City Council Meeting Of October 18th 2016 And The Rules And Legislation Committee Of October 20th 2016

[16-0177](#)

Attachments: [View Report](#)

- 6 Subject: Appointment To Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kevin Blackburn To The Housing, Residential Rent And Relocation Board

[16-0196](#)

Attachments: [View Report](#)

Legislative History

9/22/16

*Rules & Legislation
Committee

Scheduled to the *Rules & Legislation
Committee

Open Forum (Total Time Available: 15 Minutes)

Adjournment

Americans With Disabilities Act

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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.**