



# City of Oakland Meeting Minutes

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

## \*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, July 24, 2014**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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*The Oakland City Council Rules & Legislation Committee convened at 11:04 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 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

*Special Closed Sessions have been scheduled for Tuesday, July 29, 2014 at 2:30 P.M and Wednesday, July 30, 2014 at 4:00 P.M.*

2 Approval Of The Draft Minutes From The Committee Meeting Of July 10, 2014

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

[Rules072414Item3](#)

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

**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  
*There was one speaker on this item.*

S-4.1 Subject: Travel Authorization For League Of CA Cities' Annual Conference  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution Authorizing Councilmember Kalb To Travel To Los Angeles To Attend The 2014 League Of California Cities' Annual Conference From September 3-5, 2014  
[13-0760](#)

**\* 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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[85144 C.M.S.pdf](#)

*DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE BY COUNCILMEMBER KALB, SECONDED BY COUNCILMEMBER SCHAAF, TO ADJOURN THE MEETING OF THE RULES & LEGISLATION COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:06 A.M.*

S-4.2 Subject: Addressing Needs Of Unaccompanied Minors Crossing The Border  
From: Councilmembers Gallo, Reid And Off Of The Mayor  
Recommendation: Adopt A Resolution Urging The City Of Oakland To Commit Resources And Support Efforts At The Congressional Level To Address The Growing Humanitarian Crisis Of Unaccompanied Children Fleeing Violence From Central America  
[13-0759](#)

**\* Scheduled to \* Special Meeting of the Oakland City Council on 7/29/2014**  
*This item will be scheduled to the Non-Consent portion of the agenda.*

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*THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT THIS TIME AND RECONVENED AS THE RULES & LEGISLATION COMMITTEE.*

**Items Submitted On The Dais**

#1            Subject:    Settlement Agreement - Goggin 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 Goggin, A Minor, v. City Of Oakland, Alameda County Superior Court, No. RG12-615075, City Attorney's File No. 28587 In The Amount Of Eight Thousand Five Hundred Dollars (\$8,500.00) (Real Estate - Traffic Collision)  
[13-0761](#)

**\* 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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#2            Subject:    Settlement Agreement - Dao The Diep 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 Dao The Diep v. City Of Oakland, Alameda County Superior Court Case No. RG12-645758, In The Amount Of Ten Thousand Dollars And No Cents (\$10,000.00) As A Result Of A Trip And Fall Accident On Or About September 11, 2011 (Public Works Agency - Dangerous Condition/Trip & Fall)  
[13-0762](#)

**\* 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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#3            Subject:    Franchise Contract With Civicorps For Commercial Organics  
                 From:            Councilmembers Kalb, Kaplan And Gibson McElhaney  
                 Recommendation:  Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Directing The City Administrator To Negotiate And Execute A Franchise Contract With Civicorps In Accordance With Their Proposal To Collect Commercial Organic Materials (Dated June 25, 2014), And Regulating Maximum Service Rates And Procedures To Allow For Annual Adjustment Of Maximum Service Rates, And Return To Council An Ordinance Awarding A Franchise Contract To Civicorps For The Collection Of Commercial Organic Materials To Be Effective July 1, 2015 For A Term Of Ten Years; Or

[13-0763](#)

**\* Scheduled to \* Special Meeting of the Oakland City Council on 7/30/2014**

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2) As An Alternative, The Council Shall Consider That When Awarding The Franchise Agreement To Either California Waste Solutions (CWS) Or Waste Management (WM), Or Any Combination Of CWS/WM, To Provide Collection Services For Mixed Materials & Organics (MMO), Such Franchise Agreement(s) Shall Be Awarded Contingent Upon The Awardee(s) Including Civicorps As A Subcontractor To Provide Services For Collection Of Commercial Organic Materials; And That If One Or The Other Contractor Does Not Agree To Include Civicorps As Part Of Their Work, The Council Directs The City Administrator To Award The Entire MMO Contract To The Franchisee That Agrees To Include Civicorps At The Same Overall Rates Set Forth In The Council-Approved Franchise Ordinance(s)  
[13-0763-1](#)

**\* Scheduled to \* Special Meeting of the Oakland City Council on 7/30/2014**

#4 Subject: Amendments To Public Safety & Violence Prevention Ballot Measure  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution, Amending Resolution No. 85110 C.M.S., On The City Council's Own Motion Submitting To The November 4, 2014 Statewide General Election, A Proposed Ordinance To Maintain The Current Special Parcel Tax And The Parking Tax Surcharge For Police Services And Violence Prevention Strategies, To Address Violent Crime And To Improve Public Safety In The City Of Oakland, And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 4, 2014 Statewide General Election

This Item Is Re-Noticed Because At The July 15, 2014 City Council Meeting The City Council Adopted Significant Substantive Changes To The Resolution That Required Continuing The Item To July 29, 2014. The City Attorney Has Reviewed The Videotape And The Changes That The Council Considered On The Floor On July 15, 2014 And Has Determined That The Reduction Of Budgeted And Maintained Sworn Police Personnel Positions From 700 To 678 And A No Layoff Provision Were Significant Substantive Changes To The Measure That Were Not Included In The June 24, 2014 Public Safety Committee's Recommendations To Council.

Significant Substantive Changes Approved By The Council On July 15, 2014 Include A No Layoff Provision And A Requirement That The Council Budget And Maintain Staffing Of 678 Sworn Police Personnel. In Addition, City Administration Proposes An Exemption From The Tax For Churches And Public Schools, And Revisions To Clarify The Use Of Findings For Staffing Shortfall Exceptions, To Clarify The Duration Of Suspension/Reduction Of Taxes And Parking Fees For Staffing Shortfalls, And To Clarify That Suspension/Reduction Of Collection Is Proportional To The Number Of Days Of Shortfall.

[13-0756](#)

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

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

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[Rules072414Item4](#)

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**Modifications To Previously Distributed Agendas**

- #1 The July 31, 2014 Rules & legislation Committee will be cancelled.
- #2 Subject: 6239 Elderberry Drive Utility Pole Telecommunications Project Appeal  
From: Planning & Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal Of Manuel Perez And Dr. Christy Hiebert (Appeal #A13-233) And Upholding The Decision Of The City Planning Commission To Approve Regular Design Review To Attach A Telecommunication Facility To A New Replacement Utility Pole Located In The Public Right-Of-Way (Case File #DR13-055) At The Intersection Of Elderberry Drive And Girvin Drive  
[13-0700](#)

**\* Withdrawn with No New Date**  
*Item 9.6, on the July 29, 2014 Special City Council meeting with be withdrawn.*  
[View Report.pdf](#)

- 5 A Review Of The Council Committees' Actions From July 22, 2014 And Determination Of Scheduling To The Special City Council Meeting Of July 29, 2014 (MATRIX)  
**A motion was made by Member Schaaf, seconded by Member Kalb, 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

[Rules072414Item5](#)  
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- 6 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](#)

**A motion was made by Member Kalb, seconded by Vice Mayor Reid, that this matter be \* Approve the Recommendation of Staff, and Forward to the \* Special Meeting of the Oakland City Council, due back on July 29, 2014. The motion carried by the following vote:**

**Votes:** Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan  
*This item will be scheduled to the Consent portion of the agenda.*

*There was one speaker on this item.*  
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7 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](#)

**A motion was made by Member Kalb, seconded by Member Schaaf, that this matter be \* Approve the Recommendation of Staff, and Forward to the \* Special Meeting of the Oakland City Council, due back on July 29, 2014. The motion carried by the following vote:**

**Votes:** Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan  
*This item will be scheduled to the Consent portion of the agenda.*

*There were 2 speakers on this item.*  
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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 Rules & Legislation Committee adjourned the meeting at 12:00 P.M.*

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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.

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*City Clerk and Clerk of the Council*