



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

*Rules & Legislation Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, January 22, 2015

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. Guillèn, 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
- 2 Approval Of The Draft Minutes From The Committee Meeting Of January 8, 2015
- 3 Determination Of Schedule Of Outstanding Committee Items
[14-0368](#)

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

[14-0369](#)

- 4.1** Subject: Permanent Regulations On Unattended Donation Boxes
From: Planning And Building Department
Recommendation: Adopt An Ordinance 1) Establishing Oakland Municipal Code (OMC) Chapter 5.19 "Unattended Donation/Collection Boxes;" And 2) Amending The Master Fee Schedule (Ordinance No. 13171 C.M.S., As Amended) And OMC Sections 1.12.020A And 1.12.060 To Establish Application, Inspection, Appeal And Other Fees, Administrative Citations, And Fines Related To Unattended Donation/Collection Boxes; On The February 3, 2015 City Council Agenda As A Public Hearing
14-0393

- 4.2** Subject: Police And Fire Retirement Board Appointment
From: Office Of The Mayor
Recommendation: Adopt A Resolution Approving The Mayor's Designation Of The Controller Of The City Of Oakland To Serve In The Mayor's Place And Stead As A Member Of The Police And Fire Retirement Board; On The February 3, 2015 City Council Agenda
[14-0392](#)

- 4.3** Subject: Amending Grant Funds To Friends Of Peralta Hacienda Historical Park
From: Councilmember Noel Gallo
Recommendation: Adopt A Resolution Amending Resolution No. 85129 C.M.S. Which Authorized A Grant Of \$3,100 From Councilmember Noel Gallo's Graffiti Abatement Mural And Green Wall Funds To Peralta Hacienda For The Athena Mural Project Completed By The California College Of The Arts And Arise High School, To Change The Grantee Name To Friends Of Peralta Hacienda Historical Park; On The February 3, 2015 City Council Agenda
[14-0396](#)

- 4.4** Subject: Settlement Agreement - Rickey Clay 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 Rickey Clay Aka Bakari Olatunji v. City Of Oakland, Et Al., Northern District Of California Case No. C13-04633 NC, City Attorney's File No. 29615, In The Amount Of Forty Thousand Dollars (\$40,000.00) (Oakland Police Department - Wrongful Arrest); On The February 3, 2015 City Council Agenda
[14-0426](#)

- 4.5** Subject: Settlement Agreement - Luc Maheu 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 Luc Maheu v. City Of Oakland, Et Al., Alameda County Superior Court Case No. HG13689585, City Attorney's File No. 29493, For A Sum Not To Exceed Two Hundred Fifty Thousand Dollars And No Cents (\$250,000.00) (Public Works - Personal Injury Lawsuit); On The February 3, 2015 City Council Agenda
[14-0427](#)
- 4.6** Subject: Settlement Agreement - Angelika Panameno 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 Angelika Panameno v. City Of Oakland, Alameda County Superior Court Case No. RG14712735, City Attorney's File No. 29809, In The Amount Of Twenty Thousand Dollars (\$20,000.00) (Public Works Department - Dangerous Condition); On The February 3, 2015 City Council Agenda
[14-0428](#)
- 4.7** Subject: Settlement Agreement - George Efstathiou 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 George Efstathiou v. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG12631518, City Attorney's File No. 28660, For A Sum Not To Exceed Seven Thousand Five Hundred Dollars And No Cents (\$7,500.00) (Human Services Department (HSD) - Personal Injury Lawsuit); On The February 3, 2015 City Council Agenda
[14-0429](#)
- 4.8** Subject: Adopt Retirement Health Savings (RHS) Plan
From: Human Resources Management Department
Recommendation: Adopt A Resolution To Adopt The Vantagecare Retirement Health Savings (RHS) Plan And Authorize The City Administrator Or Designee To Execute All Necessary Administrative Agreements To Implement The RHS Plan; On The February 10, 2015 Finance & Management Committee Agenda
[14-0385](#)
- 4.9** Subject: Cash Management Report December 31 2014
From: Treasury
Recommendation: Receive The Cash Management Report For The Quarter Ended December 31, 2014; On The February 10, 2015 Finance & Management Committee Agenda
[14-0409](#)

- 4.10** Subject: Minimum Wage Implementation Info Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Impact Of Implementing The Voter Approved Local Minimum Wage (“Measure FF”), Which Takes Effect March 2, 2015; On The February 10, 2015 Finance & Management Committee Agenda
[14-0410](#)
- 4.11** Subject: Amending Salary Schedule To Create Benefits Coordinator
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S (“Salary Ordinance”) To Create The Classification Of Benefits Coordinator; On The February 10, 2015 Finance & Management Committee Agenda
[14-0418](#)
- 4.12** Subject: Civil Service Exemption For Employee And Labor Relations Analyst, Senior
From: Human Resources Management Department
Recommendation: Adopt A Resolution Recommending To The Civil Service Board The Exemption Of The Following Classification From The Operation Of Civil Service: Employee And Labor Relations Analyst, Senior; On The February 10, 2015 Finance & Management Committee Agenda
[14-0419](#)
- 4.13** Subject: Comprehensive Annual Financial Report (CAFR)
From: Finance Department
Recommendation: Receive The Comprehensive Annual Financial Report (CAFR) And Management Letter For Fiscal Year 2013-2014; On The February 10, 2015 Finance & Management Committee Agenda
[14-0420](#)
- 4.14** Subject: ORSA Audited Financial Report
From: Finance Department
Recommendation: Receive The Oakland Redevelopment Successor Agency (“ORSA”) Audited Financial Report For Fiscal Year 2013-2014; On The February 10, 2015 Finance & Management Committee Agenda
[14-0421](#)
- 4.15** Subject: Measure C-Oakland Hotel Tax Audit And Program Status Report
From: Finance Department
Recommendation: Receive The Measure C - Oakland Hotel Tax Audit And Program Status Report For Fiscal Year 2014; On The February 10, 2015 Finance & Management Committee Agenda
[14-0422](#)

- 4.16** Subject: Amend Manager, Treasury Title & Create Treasurer, Assistant Classification
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S (“Salary Ordinance”) To Amend The Title Of Manager, Treasury To Treasurer And Create The Classification Of Treasurer, Assistant; On The February 10, 2015 Finance & Management Committee Agenda
[14-0430](#)
- 4.17** Subject: Oakland Parks Coalition’s Community Report Card
From: Vice Mayor Kaplan
Recommendation: Receive An Informational Report From The Oakland Parks Coalition’s Community Report Card On The State Of Oakland Parks; On The February 10, 2015 Public Works Committee Agenda
[14-0349](#)
- 4.18** Subject: Encroachment For Existing Building At 1820 Embarcadero
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Wilcox Embarcadero Associates, LLC, A California Limited Liability Company, To Allow Encroachment Of An Existing Building Beyond Property Line Along The 22nd Avenue Side Of 1820 Embarcadero; On The February 10, 2015 Public Works Committee Agenda
14-0394
- 4.19** Subject: Encroachment For Existing Building At 1110 Jackson Street
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To The Housing Authority Of The City Of Oakland To Allow A New Building’s Bay Window Projections, Planter Boxes And Canopy To Encroach Into The Public Right-Of-Way Along The Building’s Frontages On 11th, 12th And Jackson Streets At 1110 Jackson Street; On The February 10, 2015 Public Works Committee Agenda
[14-0412](#)
- 4.20** Subject: Encroachment For Existing Building At 414 29th Avenue
From: Planning & Building Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 29th Avenue Group LLC To Allow A Portion Of The Building To Encroach Into The Public Right-Of-Way Along The Building’s Frontage At 414 29th Avenue; On The February 10, 2015 Public Works Committee Agenda
[14-0413](#)

4.21 Subject: Sanitary Sewer Rehabilitation
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Beliveau Engineering Contractor, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Rehabilitation Of Sanitary Sewers At Lakeside Park Pump Station (Project No. C267640) And With Contractor's Bid In The Amount Of One Hundred Eighty Thousand One Hundred Dollars (\$180,100.00); And [14-0415](#)

2) A Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate With Bidders And Execute A Construction Contract For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Park Boulevard, Hollywood Avenue, Sunnyside Road, And Brighton Avenue (Project No. C329143) In An Amount Up To Two Million Five Hundred Seventy-Six Thousand Fifty-Three Dollars (\$2,576,053.00); On The February 10, 2015 Public Works Committee Agenda [14-0416](#)

4.22 Subject: Amending Oakland Municipal Code Chapter 12.12 - Excavation
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Amending Chapter 12.12 Of The Oakland Municipal Code (OMC), Which Governs Excavation And Related Activities In The Public Rights-Of-Way; On The February 10, 2015 Public Works Committee Agenda [14-0417](#)

4.23 Subject: Bay Area Regional Prosperity Plan Report
From: Economic & Workforce Development Department
Recommendation: Receive An Informational Report Requesting That City Council Review And Comment On The Economic Prosperity Strategy, As An Interim Product Of The Bay Area Regional Prosperity Plan; On The February 10, 2015 Community & Economic Development Committee Agenda [14-0359](#)

4.24 Subject: ROPS And Admin Budget 15-16A
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July Through December 2015 To The Oakland Oversight Board, The County, And The State; On The February 10, 2015 Community & Economic Development Committee Agenda [14-0411](#)

- 4.25** Subject: Living Wage Exemption At Foothill And Seminary
From: Economic & Workforce Development Department
Recommendation: Adopt An Ordinance Amending The Living Wage Ordinance, Codified As Chapter 2.28 Of The Oakland Muncipal Code, To Exempt The Sunfield Development Retail Project At Foothill Boulevard And Seminary Avenue From Living Wage Requirements; On The February 10, 2015 Community & Economic Development Committee Agenda
[14-0414](#)
- 4.26** Subject: Recyclers ENA Extension
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Third Amendment To The City's Exclusive Negotiating Agreement (ENA) With California Waste Solutions, Inc. And Cass, Inc., Regarding A Proposed Recycling Project On Up To Approximately 20 Acres In The North Gateway Area Of The Former Oakland Army Base Extending The ENA To December 15, 2015; On The February 10, 2015 Community & Economic Development Committee Agenda
[14-0423](#)
- 4.27** Subject: CAPER And Development Of The Five-Year Consolidated Plan
From: Economic & Workforce Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive The Consolidated Annual Performance And Evaluation Report (CAPER) Submitted To The U.S. Department Of Housing And Urban Development (HUD) For Fiscal Year 2013-2014; On The February 10, 2015 Community & Economic Development Committee Agenda And As A Public Hearing On February 17, 2015
[14-0425](#)
- 4.28** Subject: Housing Related Parks Program Grant 2014
From: Housing and Community Development Department
Recommendation: Adopt A Resolution Authorizing The City To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$2,000,000 For The Housing Related Parks Program (Program Year 2014) For Improvements To Saint Andrew's Plaza, Curt Flood Field And Josie De La Cruz Park; On The February 10, 2015 Community & Economic Development Committee Agenda
[14-0431](#)
- 4.29** Subject: Affordable Housing NOFA Funds
From: Housing And Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation:
- 1) A Resolution Appropriating \$3,804,000 From Fund Balance In The Low And Moderate Income Housing Asset Fund For Housing Development Activities; And
[14-0432](#)

2) A Resolution Authorizing An Affordable Housing Development Loan In An Amount Not To Exceed \$2,000,000 To EAH, Inc., For The 3706 San Pablo Avenue Project; And

[14-0433](#)

3) A Resolution Authorizing An Affordable Housing Preservation And Rehabilitation Loan In An Amount Not To Exceed \$2,000,000 To Community Housing Development Corporation And Dignity Housing West, Inc., For Harp Plaza Apartments Located At 430 28th Street, And Authorizing A Loan Extension And Change In Terms For The Previous Development Loan For The Project; And

[14-0434](#)

4) A Resolution (1) Authorizing An Additional Affordable Housing Development Loan In An Amount Not To Exceed \$2,000,000 To Satellite Affordable Housing Associates For The Redwood Hill Townhomes Project Located At 430 28th Street, (2) Approving A Change In The Project From Ownership To Rental, (3) Authorizing Assumption Of The Existing Loan For The Project By Satellite Affordable Housing Associates, And (4) Authorizing Repayment Extension And Changes In Terms For The Existing Loan For The Project; And

[14-0435](#)

5) A Resolution Amending Resolution No. 84857 C.M.S. To Increase The Amount Of The Affordable Housing Loan To Meta Housing Corporation For The Civic Center 14 Transit Oriented Development Rental Project Located At 632 14th Street By \$1,000,000 For A Total Loan Amount Of \$2,575,000; And

[14-0436](#)

6) A Resolution Amending Resolution No. 84860 C.M.S., Which Authorized A \$750,000 Loan To Habitat For Humanity East Bay/Silicon Valley To Acquire And Rehabilitate Foreclosed Single Family Homes, To Allow Loan Funds To Be Used To Acquire And Rehabilitate Any Vacant And Abandoned Properties; And

[14-0437](#)

7) A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Grant Funds From The California Strategic Growth Council In An Amount Not To Exceed \$15 Million Under The 2014-15 Affordable Housing And Sustainable Communities Programs; And

[14-0438](#)

8) A Resolution Authorizing The Grant Of Federal Home Funds To Provide Operating Support And Technical Assistance To Community Housing Development Corporation, Dignity Housing West, Inc., And Satellite Affordable Housing Associates In An Aggregate Amount Not To Exceed \$150,000; And

[14-0439](#)

9) A Resolution Amending Existing Loans To The Marcus Garvey Commons Affordable Housing Project At 721 A Wood Street To Extend The Loan Maturity Terms And Reduce The Interest Rate To 3%; And

[14-0440](#)

10) A Resolution Amending Resolution No. 84038 C.M.S. To Extend The Loan Maturity Term For An Existing Loan To The Hismen Hin-Nu Terrace Affordable Housing Project At 2555 International Boulevard; And
[14-0441](#)

11) A Resolution Allocating \$200,000 Of General Purpose Funds And \$400,000 Of Affordable Housing Trust Funds To The First-Time Homebuyer Mortgage Assistance Program; And
[14-0442](#)

12) A Resolution 1) Appropriating Funds Totaling \$100,000 From The General Purpose Fund To Provide Construction Monitoring Services For Affordable Housing Projects; And 2) Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement To Provide Construction Monitoring Services For Affordable Housing Projects For Up To 36 Months In An Amount Not To Exceed \$100,000 Without Returning To Council; On The February 10, 2015 Community & Economic Development Committee Agenda
[14-0443](#)

4.30 Subject: Oakland Animal Services Community Advisory Commission
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Establishing The Oakland Animal Services Community Advisory Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties Of Said Commission; On The February 10, 2015 Public Safety Committee Agenda
14-0395

4.31 Subject: Report From OPD Regarding Recent Demonstrations
From: Councilmember Dan Kalb
Recommendation: Adopt Receive An Oral Informational Report From The Chief Of The Oakland Police Department Regarding Planning For And Response To Recent Demonstrations And Subsequent Violence And Vandalism And Status Report On District Attorney Prosecutions Of The Most Egregious Offenses; On The February 24, 2015 Public Safety Committee Agenda
[14-0444](#)

5 Review Of The Draft Agendas For The City Council Meeting Of February 3, 2015 And The Rules & Legislation Committee Meeting Of February 5, 2015
[14-0370](#)

6 Subject: Establishing New Times For The Council Committees
From: Council President Lynette Gibson McElhaney
Recommendation: Action On A Motion Pursuant To Rule 4 Of The Council's Rules Of Procedure (Resolution No. 79006 C.M.S. As Amended By Resolution No. 82580 C.M.S.) To Change The Meeting Time Of The Community & Economic Development Committee [TITLE CHANGE]
[14-0381](#)

Open Forum (Total Time Available: 15 Minutes)

Adjournment

Americans With Disabilities Act

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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.**