



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>

Thursday, February 25, 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

[15-0508](#)

Attachments: [View Report](#)

2 Approval Of The Draft Minutes From The Committee Meeting Of February 11, 2016

[15-0498](#)

There are no minutes to approve as the February 11, 2016 Rules & Legislation Committee was cancelled.

3 Determination Of Schedule Of Outstanding Committee Items

[15-0505](#)

Attachments: [View Report](#)

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

[15-0509](#)

Attachments: [View Report](#)

4.1 Subject: 12th Street Remainder Parcel ENA Developer Selection Process
From: Economic Workforce & Development Department
Recommendation: 1) Hear Presentations From The Three Development Teams Who Made Complete Proposals For The City-Owned Site Commonly Known As The 12th Street Remainder Parcel; 2) Hear Public Comment On The Three Proposals; And 3) Provide Comments On The Three Proposals; On The February 29, 2016 Special Community & Economic Development Committee Agenda

[15-0668](#)

4.2 Subject: Settlement Agreement - Claims Of St. John's Episcopal Church
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Remainder Of St. John's Episcopal Church's Claim And Church Insurance Company's Claim Against The City Of Oakland, City Attorney's File No. 30323, In The Amount Of Seven Hundred Seventy-One Thousand Nine Hundred Thirty-Three Dollars And Seventy Cents (\$771,933.70) (Oakland Public Works - -Sewer); On The March 1, 2016 City Council Agenda As A Consent Item

[15-0696](#)

4.3 Subject: Oakland Redevelopment Successor Agency (ORSA) Audit Report
From: Finance Department
Recommendation: Receive The Oakland Redevelopment Successor Agency (ORSA) Audit Report For The Year Ended June 30, 2015; On The March 15, 2016 City Council Agenda As A Consent Item

[15-0544](#)

Attachments: [View Report](#)

Legislative History

2/9/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and Finance and Management Committee	Received and Filed
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4.4 Subject: Comprehensive Annual Financial Report (CAFR) And Management Letter
 From: Finance Department
 Recommendation: Receive The Comprehensive Annual Financial Report (CAFR) And The Management Letter For The Year Ended June 30, 2015; On The March 15, 2016 City Council Agenda As A Consent Item
[15-0553](#)

Attachments: [View Report](#)

Legislative History

2/9/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and Finance and Management Committee	Received and Filed
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4.5 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 The Year Ended June 30, 2015; On The March 15, 2016 City Council Agenda As A Consent Item
[15-0554](#)

Attachments: [View Report](#)

Legislative History

2/9/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and Finance and Management Committee	Received and Filed
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4.6 Subject: Measure Y - Violence Prevention and Public Safety Act of 2004 Audit Report
 From: Finance Department
 Recommendation: Receive The Measure Y - Violence Prevention And Public Safety Act Of 2004 Audit Report For The Year Ended June 30, 2015; On The March 15, 2016 City Council Agenda As A Consent Item
[15-0555](#)

Attachments: [View Report](#)

Legislative History

2/9/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and Finance and Management Committee <i>There was 1 speaker on this item</i>	Received and Filed
2/9/16	*Public Safety Committee	Received and Filed

- 4.7** Subject: PFRS Investment Portfolio As Of December 31, 2015
From: Finance Department
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System's Investment Portfolio As Of December 31, 2015; On The March 8, 2016 Finance & Management Committee
[15-0642](#)
- 4.8** Subject: ACS/Xerox Contract Extension
From: Finance Department
Recommendation: Adopt A Resolution Waiving The Request For Qualifications ("RFQ"), Competitive Selection Advertising And Competitive Bidding Requirements And Authorizing The City Administrator To Execute A Fourth Amendment To The Agreement With ACS State And Local Solutions Inc. ("ACS/Xerox"), To: (1) Extend The Term Of The Agreement For A Period Not To Exceed Two-Years, Starting April 2, 2016 And Terminating April 1, 2018 To Provide A Parking Citation Administration And Revenue Reconciliation ("CARR") System And To Compensate ACS/Xerox Under The Current Terms Of The Existing Contract In An Amount Not To Exceed Nine Hundred Thousand Dollars (\$900,000) Per Year; On The March 8, 2016 Finance And Management Committee Agenda
[15-0652](#)
- 4.9** Subject: Amending Fire Code Chapter 15.12, Section 114.3
From: Finance Department
Recommendation: Adopt An Ordinance Amending Chapter 15.12, Section 114.3 Of The Oakland Fire Code To Authorize Use Of The Lien Process To Recover Unpaid Administration And Reinspection Fees, Fines, Interest, Penalties, And Collection Fees And Other Costs Associated With Enforcement Of The Fire Code; On The March 8, 2016 Finance And Management Committee Agenda
[15-0654](#)
- 4.10** Subject: Amending The Master Fee Schedule
From: Finance Department
Recommendation: Adopt An Ordinance Amending Ordinance Number 13320 C.M.S. (As Amended, The FY 2016-17 Master Fee Schedule, "MFS"), To Establish, Modify And Delete Fees And Penalties Assessed By Offices, Departments, Bureaus And Agencies Of The City Of Oakland, Referenced Herein; On The March 8, 2016 Finance And Management Committee Agenda
[15-0655](#)

4.11 Subject: As-Needed Professional Auditing Services, FY 2016-19
From: Finance Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A City Of Oakland Resolution Authorizing The City Administrator To 1) Award A Contract To Macias Gini & O'Connell, LLP (MGO) To Provide As-Needed Professional Auditing Services For Fiscal Years (FY) Ending June, 30 2016, June 30, 2017, And June 30, 2018 In An Amount Not To Exceed \$1,853,800, Of Which \$62,250 Is To Be Funded By The Oakland Redevelopment Successor Agency (ORSA), With A One (1) Year Option To Extend The Contract For Fiscal Year Ending June 30, 2019 And; 2) Waive The 50% Local And Small Local Business Enterprise (L/SLBE) Participation Requirement, As Neither Of The Two (2) Respondents Were Qualified By The City As Meeting The L/SLBE Requirement; And
[15-0658](#)

2) A Redevelopment Successor Agency (Agency) Resolution Authorizing The City Administrator To 1) Award A Contract To Macias Gini & O'Connell, LLP (MGO) To Provide As-Needed Professional Auditing Services For Fiscal Years (FY) Ending June, 30 2016, June 30, 2017, And June 30, 2018 In An Amount Not To Exceed \$1,853,800, Of Which \$62,250 Is To Be Funded By The Oakland Redevelopment Successor Agency (ORSA), With A One (1) Year Option To Extend The Contract For Fiscal Year Ending June 30, 2019 and; 2) Waive The 50% Local And Small Local Business Enterprise (L/SLBE) Participation Requirement, As Neither Of The Two (2) Respondents Were Qualified By The City As Meeting The L/SLBE Requirement; On The March 8, 2016 Finance And Management Committee Agenda
[15-0667](#)

4.12 Subject: FY 2015-16 2nd Quarter Revenue And Expenditure Report
From: Finance Department
Recommendation: Receive An Informational Report On The Projected Fiscal Year (FY) 2015-16 2nd Quarter Revenue And Expenditure Results And Year-End Summaries For Six Selected Funds - General Purpose Fund (GPF, 1010), Multipurpose Reserve Fund (1750), State Gas Tax Fund (2230), State Gas Tax Proposition 42 Replacement Fund (2231), Landscape & Lighting Assessment District Fund (LLAD, 2310), And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds; On The March 8, 2016 Finance & Management Committee Agenda
[15-0693](#)

4.13 Subject: Latham Square Streetscape Improvements
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Waiving Advertising And Competitive Bidding And Authorizing The Increase Of The Change Order Limit For The Contract With McGuire And Hester, Inc. For Construction Of The Latham Square Streetscape Improvement Project (No. C464560) From Fifteen Percent Or Six Hundred Twenty-Eight Thousand Five Hundred Twenty-Three Dollars (15% Or \$628,523.00) To Forty Percent Or One Million Six Hundred Seventy-Six Thousand Sixty Two Dollars (40% Or \$1,676,062.00) Of The Original Contract For A Total Contract Amount Not-To-Exceed Five Million Eight Hundred Sixty-Six Thousand Two Hundred Eighteen Dollars (\$5,866,218.00); And [15-0648](#)

2) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Amendment To The Reimbursement Agreement With East Bay Municipal Utilities District (“EBMUD”), Increasing The Not To Exceed Reimbursement Amount From Three Hundred Thousand Dollars (\$300,000.00) To Eight Hundred Thousand Dollars (\$800,000.00) And To Accept And Appropriate The Funds For Construction, Professional Service Agreements And City Staff Costs Associated With The Relocation Of The EBMUD Water Main For The Latham Square Streetscape Improvements Project (No. C464560) Without Return To Council; And [15-0665](#)

3) A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute A Reimbursement Agreement With AT&T, Inc. (“AT&T”) In The Amount Not To Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) And To Accept And Appropriate The Funds For Construction, Professional Service Agreements And City Staff Costs Associated With AT&T’s Vault Reconstructions For The Latham Square Streetscape Improvements Project (No. C464560) Without Return To Council; On The March 8, 2016 Public Works Committee Agenda [15-0666](#)

4.14 Subject: Rockridge Library Renovation Construction Award
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate And Execute A Construction Contract Up To The Amount Of Two Hundred Forty-Nine Thousand Dollars (\$249,000.00) In The Open Market For The Rockridge Library Renovation (Project No. C465710) In Accordance With Project Plans And Specifications; On The March 8, 2016 Public Works Committee Agenda [15-0649](#)

- 4.15** Subject: 2015-2016 Program For Arterial System Synchronization (PASS) Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Director Of Public Works To Enter Into An Agreement With The Metropolitan Transportation Commission (MTC) To Implement The 2015-2016 Program For Arterial System Synchronization (PASS) Project On 40th Street, Harrison Street, Jackson Street, And MacArthur Boulevard, And To Reimburse MTC An Amount Not To Exceed Fifty-Five Thousand Dollars (\$55,000.00) As City Of Oakland Local Match To The 2015-2016 PASS Project; On The March 8, 2016 Public Works Committee Agenda
[15-0650](#)
- 4.16** Subject: Work-Based Learning Funds
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Apply, Accept And Appropriate Grant Funds In The Amount Of \$583,502 From (1) Peralta Community College Career Pathway Trust I (\$324,912), (2) Alameda County Office Of Education Career Pathway Trust II (\$205,090), (3) Peralta College Merritt Healthcare Bridge Program (\$10,000), (4) Bay Area Rapid Transit (\$43,500), To The Oakland Workforce Investment Board For The Role As The Work-Based Learning Intermediary And Aligning Oakland Residents With Employment Services And Community Colleges; On The March 8, 2016 Community And Economic Development Committee Agenda
[15-0656](#)
- 4.17** Subject: Brownfield Loan Modification For 785 Brush Street
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute A Third Amendment To A Loan Agreement And Promissory Note Between The City Of Oakland And Brush Street Group, LLC For Brownfield Cleanup At 785 Brush Street, Oakland CA 94607; Action Taken In Reliance On Previously Certified Environmental Impact Report For The West Oakland Specific Plan Certified On July 29, 2014 (CEQA Guidelines 15162 And As A Separate And Independent Basis, Section 15183); On The March 8, 2016 Community And Economic Development Committee Agenda
[15-0657](#)
- 4.18** Subject: Head Start-OUSD Sub-Contract For Early Childhood Education Program
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Enter Into A Sub-Contract With Oakland Unified School District To Receive State Funding In An Amount Not To Exceed \$326,040 To Provide California State Preschool Services To Eligible Participants, Ages Three To Five Years Old, Effective December 1, 2015 Through June 30, 2016; And 2) Accept And Appropriate Said Funding; On The March 8, 2016 Life Enrichment Committee Agenda
[15-0653](#)

- 4.19** Subject: FY 2015-16 Wildfire Prevention Assessment District (WPAD)
From: Oakland Fire Department
Recommendation: Receive An Informational Report From The Oakland Fire Department's (OFD) Vegetation Management Unit Regarding The Wildfire Prevention Assessment District (WPAD) And The Ongoing Efforts To Prevent Wildfires In The City Of Oakland For Fiscal Year 2015-2016; On The March 8, 2016 Public Safety Committee Agenda
[15-0697](#)
- 4.20** Subject: Goldman Sachs Investigation For Debarment
From: Member Of The Public
Recommendation: Receive A Status Report On The Contract With Spinnaker That Was Approved In 2013; On The Finance & Management Committee Agenda ASAP
[15-0698](#)
- 4.21** Subject: American Red Cross Month 2016
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Honoring The American Red Cross To Commemorate American Red Cross Month 2016; On The March 15, 2016 City Council Agenda As A Ceremonial Item
[15-0699](#)
- 4.22** Subject: Support For HR 3965 & 3384 -FAA Community Accountability & Quiet Communities Acts
From: Vice Mayor Annie Campbell Washington
Recommendation: Adopt A Resolution Declaring The City Of Oakland's Support For HR 3965 - The FAA Community Accountability Act Of 2015 And HR 3384 - The Quiet Communities Act Of 2015; On The March 10, 2016 Rules & Legislation Committee Agenda
[15-0700](#)
- 4.23** Subject: Honoring Winners Of The 37th Annual MLK Jr. Oratorical Fest 2016
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Recognizing Oakland Unified School District Students For Their Outstanding Performances And First Place Awards In The 37th Annual Martin Luther King Jr. Oratorical Fest 2016; On The March 15, 2016 City Council Agenda As A Ceremonial Item
[15-0701](#)
- 5** A Review Of The Council Committees' Actions From February 23, 2016 And Determination Of Scheduling To The City Council Meeting Of March 1, 2016 (MATRIX)
[15-0510](#)

Attachments: [View Report](#)

6 A Review Of The Draft Agendas For The Council Committee Meetings Of March 8, 2016 And The Rules And Legislation Committee Of March 10, 2016

[15-0511](#)

Attachments: [View Report](#)

7 Subject: Amending The City Council Rules Of Procedures
From: Council President Gibson McElhaney

Recommendation: Adopt A Resolution (1) Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution Nos. 82580 C.M.S., 84758 (Censure Policy And Procedures) C.M.S. And 85256 C.M.S (Amendments To Rule 25, High Stakes Negotiation Policy) To Authorize The Council President To Appoint Members And Chairpersons Of Council's Subject Matter Standing Committees Subject To Confirmation By Council Resolution; (2) Making Other Changes As Directed By The Council; And (3) Consolidating And Setting Forth The Council's Rules Of Procedure, As Amended, And The Council's Censure Policy And Procedures In Their Entirety [TITLE CHANGE]

[15-0475](#)

Attachments: [View Report](#)
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Legislative History

1/14/16	*Rules & Legislation Committee	Continued to the *Rules & Legislation Committee
2/4/16	*Rules & Legislation Committee	Continued to the *Rules & Legislation Committee

8 Subject: Firearms Unsecured In Unattended Vehicles
From: Councilmember Rebecca Kaplan

Recommendation: Adopt A Resolution Requesting President Obama Require Federal Agents Not Leave Firearms Unsecured In Unattended Vehicles

[15-0613](#)

Attachments: [View Report](#)
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Legislative History

2/4/16	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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9 Subject: Adopt "Love Life" As The City's Official Tagline And Motto
 From: Council President Gibson McElhaney
 Recommendation: Receive A Report With Possible Adoption Of "Love Life" As The City's Official Tagline And Motto
[15-0600](#)

Attachments: [View Report](#)

Legislative History

2/4/16	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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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.**