



City of Oakland

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

Meeting Minutes - DRAFT *Rules & Legislation Committee

*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

*The Oakland City Council Rules & Legislation Committee convened at 10:58 a.m.,
with Council President Gibson McElhaney presiding as Chairperson.*

Roll Call / Call To Order

Present 4 - Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhaney

1 Determinations Of Closed Session

[15-0508](#)

Attachments: [View Report](#)

Specia Closed Session has been scheduled for March 1, 2016 at 3:00 p.m.

A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

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

[15-0498](#)

There were 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](#)

A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[15-0509](#)

Attachments: [View Report](#)

There were 2 speakers on this item.

A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

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
[15-0668](#)

The Special Community & Economic Development Committee meeting has been rescheduled from 5:30 p.m. to 4:30 p.m.

This Informational Report was Scheduled.to the *Special Community & Economic Development Committee to be heard 2/29/2016

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)
[15-0696](#)

*Councilmember Kalb made a motion, seconded by Councilmember Guillen, to approve the urgency finding on item 4.2 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;
. The motion passed with a vote of 3 Ayes, 1 Absent - Reid.*

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 3/1/2016

- 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](#)

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

- 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](#)

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

- 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](#)

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

- 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](#)

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

- 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
[15-0642](#)

This Informational Report was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

- 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
[15-0652](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

- 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
[15-0654](#)

This Ordinance was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

- 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
[15-0655](#)

This Ordinance was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

- 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](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

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
[15-0667](#)

This ORSA Resolution was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

- 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
[15-0693](#)

This Informational Report was Scheduled.to the *Finance & Management Committee to be heard 3/8/2016

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](#)

**This City Resolution was Scheduled.to the *Public Works Committee to be heard
3/8/2016**

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](#)

**This City Resolution was Scheduled.to the *Public Works Committee to be heard
3/8/2016**

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 [15-0666](#)

**This City Resolution was Scheduled.to the *Public Safety Committee to be heard
3/8/2016**

- 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
[15-0649](#)

**This City Resolution was Scheduled.to the *Public Works Committee to be heard
3/8/2016**

- 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
[15-0650](#)

**This City Resolution was Scheduled.to the *Public Works Committee to be heard
3/8/2016**

- 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
[15-0656](#)

**This City Resolution was Scheduled.to the *Community & Economic
Development Committee to be heard 3/8/2016**

- 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)
[15-0657](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 3/8/2016

- 4.18** Subject: Head Start-OUUSD 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
[15-0653](#)

This City Resolution was Scheduled.to the *Life Enrichment Committee to be heard 3/8/2016

- 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
[15-0697](#)

This Informational Report was Scheduled.to the *Public Safety Committee to be heard 3/8/2016

- 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](#)

This Informational Report was Scheduled.to the *Finance & Management Committee to be heard 4/12/2016

- 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](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

- 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
[15-0700](#)

This City Resolution was Scheduled.to the *Rules & Legislation Committee to be heard 3/10/2016

- 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](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016

Items Submitted On The Dais

Subject: Report And Overview Of Proposition 47
From: Councilmember Desley Brooks
Recommendation: Receive An Informational Report And Overview Regarding Proposition 47, A Law That Reduces Some Felonies To Misdemeanors
[15-0702](#)

This was Scheduled.to the *Public Safety Committee to be heard 3/22/2016

- 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](#)

Community & Economic Development Committee Item 5, FY 2014-15 CAPER, will be forwarded to the March 1, 2016 City Council agenda as a Public Hearing.

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

- 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](#)

A motion was made by Kalb, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

Subject: Waste Management's Zero-Waste "Push\Pull" Rates For Multi-Family Bldgs
From: Councilmember Kalb And Vice Mayor Kaplan
Recommendation: Receive A Status Report and Recommendations On Efforts And Strategies To Reduce Zero-Waste 'Push\Pull' Service Costs For Multi-Family Buildings, Including Information Provided By Waste Management Of Alameda County
[15-0360](#)

Attachments: [View Report](#)

This Report and Recommendation was Withdrawn from the Public Works Committee of March 8, 2016 with No New Scheduling Date.

- 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](#)

[View Supplemental Report](#)

[View Supplemental Report](#)

[View Supplemental Report](#)

The Committee approved recommendations as amended as provided in a further revised resolution submitted on the dais as well as the following revisions:

1) Revise Rule 19 to add the Citizen Police Review Board; and allow Mayoral appointments to be scheduled, via Rule 28, directly to the City Council agenda in the event the Rules & Legislation Committee is cancelled; and 2) Revise Rule 25 from \$100,000,000.00 to \$1,000,000.00.

There were 3 speakers on this item.

A motion was made by Guillén, seconded by Kalb, that this matter be Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 3/1/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

- 8 Subject: Firearms Unsecured In Unattended Vehicles
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Resolution Requesting That President Obama Take Action To Require That Federal Employees, Agents And Law Enforcement Who Are Issued Firearms Do Not Leave Firearms Unsecured In Unattended Vehicles [TITLE CHANGE]
[15-0613](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

There were 3 speakers on this item.

A motion was made by Kalb, seconded by Guillén, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 3/1/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

- 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](#)

Council President Gibson McElhaney moved to direct the City Administrator to bring back a report and recommendation regarding the timeline, costs, analysis for adopting "Love Life" as the City's motto. The motion failed for lack of a second.

Council President Gibson McElhaney made a motion, seconded by Councilmember Kalb, to Continue the report and request more information about the process of adopting a motto. The follow-up report should include how to solicit ideas for a motto, the criteria for adopting a motto and explain the administrative process of adopting a motto.

There were 10 speakers on this item.

A motion was made that this matter be Continued to the *Rules & Legislation Committee, to be heard 4/21/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

Open Forum (Total Time Available: 15 Minutes)

There were 4 Open Forum speakers.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:50 p.m.

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

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.