



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
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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, March 3, 2016

10:45 AM

City Council Chamber, 3rd Floor

*The Oakland City Council Rules & Legislation Committee convened at 11:00 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

[15-0478](#)

Attachments: [View Report](#)

Special Closed Session has been scheduled for March 15, 2016 at 3:00 p.m.

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

2 Approval Of The Draft Minutes From The Committee Meetings Of January 14, January 28, February 4, 2016 And February 18, 2016

[15-0479](#)

Attachments: [View Report](#)

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

3 Determination Of Schedule Of Outstanding Committee Items

[15-0480](#)

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

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

[15-0481](#)

Attachments: [View Report](#)

There were 23 speakers on this item.

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

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

4.1 Subject: Amending Fire Code Chapter 15.12, Section 114.3
From: Finance Department

Recommendation: Conduct A Public Hearing And Upon Conclusion 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](#)

Attachments: [View Report](#)

This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016 as a Public Hearing

4.2 Subject: Amending The Master Fee Schedule
From: Finance Department

Recommendation: Conduct A Public Hearing And Upon Conclusion 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](#)

Attachments: [View Report](#)

This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 3/15/2016 as a Public Hearing

4.3 Subject: Settlement Agreement - Tillis 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 Antonio Tillis V. City Of Oakland, Alameda County Superior Court Case No. RG12645745, In The Amount Of Four Hundred Fifty Thousand Dollars And No/100 Cents (\$450,000.00) (Oakland Public Works - Dangerous Condition)
[15-0714](#)

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

4.4 Subject: Settlement Agreement - Douglas 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 Trulynia Douglas V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG13691032, City Attorney's File No. 29435, In The Amount Of Sixty Thousand Dollars And Zero Cents (\$60,000.00) (Public Works - Dangerous Condition)
[15-0715](#)

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

4.5 Subject: Settlement Agreement - Claim Of William Jetter
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of William Jetter, In The Amount Of Nine Thousand Nine Hundred Ninety-Seven Dollars And 00/100 Cents (\$9,997.00) (Public Works-Dangerous Conditions)
[15-0716](#)

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

4.6 Subject: Settlement Agreement - Claim Of Bristol West A/S/O Sofia Alma Martin Del Campo
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Bristol West A/S/O Sofia Alma Martin Del Campo, In The Amount Of Nine Thousand Six Hundred Seventy-Five Dollars And 16/100 Cents (\$9,675.16) (Oakland Police Department-Automobile Collision)
[15-0717](#)

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

- 4.7 Subject: Locate Unlawful Detainers & Self-Help Center In Oakland Courthouse
From: Office Of The City Attorney And Council President Gibson McElhaney
Recommendation: Adopt A Resolution Asking The Alameda County Superior Court To Reconsider Its Decision To Relocate All Unlawful Detainer Actions And The Self-Help Center To Hayward, And Instead To Locate Oakland Unlawful Detainers And A Self-Help Center In An Oakland Courthouse
[15-0718](#)

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

- 4.8 Subject: Purchase Of Mobile Radios
From: Information Technology Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: 1) Negotiate And Enter Into An Agreement With Motorola Solutions, Inc., In An Amount Not To Exceed Three Million Eight Hundred Thousand Dollars (\$3,800,000) For The Purchase Of Nine Hundred (900) Mobile Radios And Associated Equipment, Programming, Testing, Installation And Professional Services In Support Of The Mobile Radios Replacement Project; 2) Reallocate Funds In The Amount Not To Exceed Two Million Dollars (\$2,000,000) Through Previously Allocated Funds As Approved By Council On Resolution No. 85113 C.M.S. July 15, 2014 To Pay For The Radio Fleet Replacement; 3) Allocate Funds In The Amount Not To Exceed One Million Dollars (\$1,000,000) From Previously Released 2008 Surety Bonds Allocated For Capital Projects; 4) Appropriate And Allocate In The Amount Not To Exceed Eight Hundred Thousand Dollars (\$800,000) Through Radio Funds To Pay For The Radio Fleet Replacement; And 5) Waive The City's Advertising, Competitive Bid And Request For Proposal (RFP) Process For Equipment, Products And Professional Services For The Above Described Contract
[15-0730](#)

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

THE SPECIAL MEETING OF THE CITY COUNCIL ADJOURNED AT THIS TIME AND RECONVENED AS THE RULES & LEGISLATION COMMITTEE AT 11:12 A.M.

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

4.9 Subject: Support For HR 3965 & 3384 -FAA Community Accountability & Quiet Communities Acts
From: Vice Mayor Annie Campbell Washington And President Pro Tempore Reid
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](#)

Attachments: [View Report](#)

This City Resolution was * Withdrawn from the March 10, 2016 Rules & Legislation and Rescheduled to the *Rules & Legislation Committee to be heard 3/17/2016

4.10 Subject: Major Encroachment Permits At Various Locations
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Zwuschen, LLC To Allow Portion Of The Existing Building At 1945 And 1955 Broadway To Encroach Into The Public Right-Of-Way Along The Building Frontage On Broadway And On 20th Street, Major Encroachment Permit ENMJ15057; And [15-0719](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 3/22/2016

2) A Resolution Granting A Conditional And Revocable Major Encroachment Permits To Broadway Oak Partners LLC To Allow Portion Of The Building Above Grade At 459 8th Street To Encroach Into The Public Right-Of-Way Along 8th Street And Broadway, Major Encroachment Permit ENMJ16001; And [15-0720](#)

3) A Resolution Granting A Conditional And Revocable Major Encroachment Permits To Trustees Chapel Of The Chimes Special Care Funds To Allow Portion Of The Building Above Grade At 4435 Piedmont Avenue To Encroach Into The Public Right-Of-Way Along The Building Frontage On Piedmont Avenue, Major Encroachment Permit ENMJ15060; And [15-0721](#)

4) A Resolution Granting A Conditional And Revocable Major Encroachment Permits To 265 Vernon Street, LLC To Allow Portion Of The Building Above Sidewalk At 459 23rd Street To Encroach Into The Public Right-Of-Way Along The Building Frontage On 23rd Street And Valley Street, Major Encroachment Permit ENMJ16003; And [15-0722](#)

5) A Resolution Granting A Conditional And Revocable Major Encroachment Permits To Temescal Investors, LLC To Allow Portion Of The Building Above Grade At 5239 Claremont Avenue To Encroach Into The Public Right-Of-Way Along The Building Frontage On Telegraph Avenue, Major Encroachment Permit ENMJ16002; On The March 22, 2016 Public Works Committee Agenda
[15-0723](#)

4.11 Subject: Highway Safety Improvement Program Cycle 5 (HSIP5) Contract Awards
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Awarding A Construction Contract To Ray's Electric For Highway Safety Improvement Program Cycle 5 (HSIP5): West MacArthur Boulevard, Project No. C468210 and C468211, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of One Million Thirty-Four Thousand Seventy-One Dollars (\$1,034,071); And
[15-0724](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 3/22/2016

2) A Resolution Awarding A Construction Contract To Beliveau Engineering Contractors, Inc. For Highway Safety Improvement Program Cycle 5 (HSIP5): Market Street, Project No. C468230 and C468231, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, and With Contractor's Bid In The Amount Of Eight Hundred Ninety-Five Thousand Three Hundred Ten Dollars (\$895,310); On The March 22, 2016 Public Works Committee Agenda
[15-0725](#)

4.12 Subject: On-Call Transportation Professional Services Agreements
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into Professional Services Agreements For On-Call Transportation Planning And Funding Services In The Amount Of Five Hundred Thousand Dollars (\$500,000.00) Each To Six (6) Firms: Nelson Nygaard Consulting Associates, Inc., Fehr And Peers Transportation Consultants, Alta Planning + Design, Community Design + Architecture, Placeworks, And Kittelson Associates Inc.; On The March 22, 2016 Public Works Committee Agenda
[15-0726](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 3/22/2016

4.13 Subject: Measure WW And State HRPP Reallocations
From: Oakland Parks & Recreation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing Reallocation Of A Portion Of The East Bay Regional Park District Open Space, Wildlife, Shoreline, And Parks Bond (Measure WW Bond) Local Grant Program Fund For The Charles Porter Golden Gate Recreation Center Project (No. C377320) In The Amount Of One Million Thirty-One Thousand Seven Hundred Dollars (\$1,031,700.00) To The Curt Flood Field Project (No. TBD); And Authorize The City Administrator Or Designee To Re-Apply And Reallocate The Grant Funds For Both Projects From East Bay Regional Park District For The Measure WW Bond; And
[15-0727](#)

This City Resolution was Scheduled to the *Public Works Committee to be heard 3/22/2016

2) A Resolution Authorizing The City Administrator To Request Reallocation Of Grant Funds From The California Department Of Housing And Community Development Under The Housing Related Parks Program (HRPP) In An Amount Not To Exceed \$1,031,700.00 From The Curt Flood Field Project (No. C495010) To The Charles Porter Golden Gate Recreation Center Project (No. TBD); On The March 22, 2016 Public Works Committee Agenda
[15-0728](#)

4.14 Subject: Maximize Use Of Available Funding To Benefit Oakland's Job Seekers And Employers And Avert Further Displacement Of Oakland Residents Due To Unemployment
From: President Pro Tempore Reid
Recommendation: Reallocate City WIOA Funds To Previously Approved Service Providers To 1. Utilize Available City Savings (WIOA Personnel And Other Charges) In The Current Fiscal Year; 2. Avoid Returning Additional Funds To The State For Failure Of The City To Utilize Said Funds In A Timely Manner; 3. Achieve Better Alignment Of Actual Reduction Of WIOA Allocation To Oakland (Less Than 2%) With Reductions To Service Providers (15-24%); On The March 22, 2016 Or ASAP Community And Economic Development Committee Agenda
[15-0713](#)

This City Resolution was Withdrawn with No New Date.

- 4.15** Subject: ShotSpotter Contract Extension
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into An Agreement With SST, Inc. For Gunshot Detection Services; 2) To Consolidate All Three Shotspotter Phase Area Programs Into A Consolidated Contract On An Annual Basis From April 19, 2016 To April 18, 2017, In An Amount Not To Exceed \$494,600.00 Per Year, With An Option To Renew For Three Additional One-Year Terms \$494,600.00 For A Total Contract Amount Not To Exceed \$1,978,400; And 2) Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process, The Advertising And Bidding Requirements, And Local And Small Local Business (L/SLB) Enterprise Program Provisions For The Contracts With SST, Inc.; On The March 22, 2016 Public Safety Committee Agenda
[15-0711](#)

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

- 4.16** Subject: Cadet Program Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Accept Grant Funds In An Amount Not To Exceed Seven Hundred Fifty Thousand Dollars (\$750,000) From The Oakland Public Education Fund To Fund The Salary And Benefits Of 7.5 Full-Time Equivalent (FTE) Police Cadet Positions From December 17, 2015 Through November 30, 2018; 2) Appropriate Said Funds To The Oakland Police Department; And 3) Authorize The General Purpose Fund To Subsidize The Central Services Overhead Costs Of Approximately One Hundred Four Thousand Two Hundred Ninety-One Dollars (\$104,291); On The March 22, 2016 Public Safety Committee Agenda
[15-0712](#)

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

- 4.17** Subject: Declaring A "State Of Emergency" In Rental Housing
From: Member Of The Public
Recommendation: Enact Immediately A Resolution Declaring A "State Of Emergency" In Rental Housing With Moratoriums On Rent Increases And No-Cause Evictions; On The March 29, 2016 City Council Agenda
[15-0729](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

Items Submitted On The Dais

Subject: 12th Street Remainder ENA With Urbancore & EBALDC
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Exclusive Negotiating Agreement With Urbancore Development, LLC And East Bay Asian Local Development Corporation (Collectively "Developer") For Development Of The 12th Street Remainder Parcel Located At East 12th Street And 2nd Avenue
[15-0731](#)

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

Subject: Declaration Of Housing State Of Emergency And Moratorium
From: Member Of The Public
Recommendation: Adopt A Resolution Declaring, Renewing And Continuing The City Council's Declaration Of A Local Housing Emergency Due To The Severe Impacts And Calamities Caused By The Critical Housing Shortage, Lack Of Affordable Home Ownership Opportunities And Skyrocketing Rental Rates Causing Displacement Of Long-Term Residents And Gentrification; Establishing a 90-Day Moratorium On No-Cause Evictions And On Rent Increases Not Authorized By Existing Rent Control Provisions
[15-0732](#)

This was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

The March 8, 2016 Public Safety Committee has been cancelled.

From The March 8, 2016 Public Safety Committee:

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](#)

Attachments: [View Report](#)

This Informational Report was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 3/22/2016

Subject: Report On OPD's Strategic Plan
From: Councilmember Dan Kalb
Recommendation: Receive An Informational Report And Presentation On The Oakland Police Department's Strategic Plan 2016
[15-0596](#)

Attachments: [View Report](#)

This Informational Report was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 3/22/2016

- 5 A Review Of The Draft Agendas For The City Council Meeting Of March 15, 2016 And The Rules And Legislation Committee Of March 17, 2016
[15-0482](#)

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 Reid

Absent: 1 - Gibson McElhaney

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](#)

This Report and Recommendation was * Withdrawn from the March 15, 2016 City Council agenda and Rescheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

- 6 Subject: Supporting State Efforts To Increase State Supplementary Payments
From: Councilmembers Gibson McElhaney, Campbell Washington And Guillen
Recommendation: Adopt A Resolution Supporting All Efforts By The State Legislature And Governor To Increase SSP Payments To Meet Or Exceed The Federal Poverty Level For Elderly, Blind Or Disabled Individuals
[15-0629](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

There were 4 speakers on this item.

A motion was made by Kalb, seconded by Reid, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 3/15/2016. The motion carried by the following vote:

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

Open Forum (Total Time Available: 15 Minutes)

There were 2 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 12:45 p.m.

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.