



# City of Oakland Meeting Minutes

## \*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>***

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**Thursday, March 20, 2014**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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*The Oakland City Council Rules & Legislation Committee convened at 10:55 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 as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council President Kernighan

*There will be a special closed session on April 1, 2014 at 3pm*

#### **2 Approval Of The Draft Minutes From The Committee Meeting Of March 6, 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 Vice Mayor Reid, seconded by Member Kalb, to  
\*Approve as Submitted. The motion carried.**

**Votes:**

[Rules032014Item3](#)

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

**A motion was made by Member Schaaf, seconded by Member Kalb, 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

S-4.1       Subject:   ARFF PROS Training  
From:       Oakland Fire Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or His  
Designee To Enter Into An Agreement With Aircraft Rescue Fire Fighter (ARFF) Pros To  
Provide 40 Hours Of State Certified Aircraft Rescue Firefighter Training (Fire Control 5)  
Annually From May 2014 Through May 2016, With Two-One Year Options To Extend In An  
Amount Not To Exceed \$13,000 Each Year For A Total Contract Amount Of Fifty-Two  
Thousand Dollars (\$52,000) Over A Four Year Period Without Return To Council; And 2)  
Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process, The  
Advertising And Bidding Requirements, And The Local And Small Business Enterprise  
Program (L/SLB) Provisions For The Proposed Agreement With ARFF  
[13-0427](#)

**Scheduled to \*Public Safety Committee on 4/8/2014**

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S-4.2       Subject:   All Star Fire Equipment Purchase Agreement  
From:       Oakland Fire Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator To Enter Into  
A Purchase Agreement With All Star Fire Equipment For The Purchase Of Firefighter  
Protective Clothing (Turnouts) For The Period May 31, 2014 Through June 1, 2017 In An  
Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000), With An Optional Two  
Year Extension For A Total Amount Not To Exceed One Million Dollars (\$1,000,000) Over  
The Possible Five Year Term, And 2) Waiving The Competitive Bidding Requirements  
[13-0430](#)

**Scheduled to \*Public Safety Committee on 4/8/2014**

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S-4.3       Subject:   Report From OPD On Public Safety And City Crime Trends  
From:       Oakland Police Department  
Recommendation: Receive The Quarterly Informational Report From OPD On Public Safety,  
City Crime Trends And The Department's Crime Reduction Activities Including The Ceasefire  
Violence Reduction Strategy  
[13-0428](#)

**Scheduled to \*Public Safety Committee on 4/8/2014**

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S-4.4      Subject:    Compliance Director Professional Services Contract Amendments  
From:        Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Professional Services Contract With Warshaw & Associates Inc. To Provide Compliance Director Services Regarding The Negotiated Settlement Agreement In Delphine Allen V. City Of Oakland For One Year, In An Amount Not To Exceed One Hundred Sixty Five Thousand Dollars (\$165,000), And Waiving The Competitive Advertising And Request For Proposals/Qualifications Process  
[13-0440](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

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S-4.5      Subject:    Fiscal Year 2013-2014 Cultural Services Grants Amendments  
From:        Department Of Economic Workforce Development  
Recommendation: Adopt A Resolution Amending Resolution No. 84707 C.M.S., Which Authorized Fiscal Year 2013-14 Cultural Services Grants, To Approve Grants To Fiscal Agents For Two Grantees And Reallocate Funds From Two Grantees To The Three Next Ranked Applicants  
[13-0434](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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S-4.6      Subject:    Brooklyn Basin Non-Affiliate Transfer  
From:        Department Of Planning And Building  
Recommendation: Adopt A Resolution Consenting To The Transfer And Assignment Of The Development Agreement For The Oak To Ninth (Brooklyn Basin) Project From Oakland Harbor Partners, LLC, To Zarsion-OHP I, LLC, Pursuant To The Development Agreement And Planning Code Section 17.138.080  
[13-0435](#)

**Scheduled to \*Community & Economic Development Committee on 4/8/2014**

*Scheduled as a Public Hearing on April 22, 2014*

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S-4.7      Subject:    Memorandum Of Agreement For 3706 San Pablo Avenue  
From:        Department Of Planning And Building  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Agreement With The City Of Emeryville For The Development Of A Property At 3706 San Pablo Avenue Located Within Both Jurisdictions  
[13-0436](#)

**Scheduled to \*Community & Economic Development Committee on 4/8/2014**

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S-4.8      Subject:    Public Safety Initiatives Throughout The City  
From:        Office Of The City Administrator  
Recommendation: Receive An Informational Report From The Office Of The City  
Administrator Providing A Synthesis Of Focused Public Safety Investments, Initiatives And  
Strategies To Effectively Reduce Violent Crime In Oakland  
[13-0437](#)

**Scheduled to \*Public Safety Committee on 4/8/2014**

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S-4.9      Subject:    Reaffirm Tax Credit Guarantees For Fox Theater Project  
From:        Office Of Neighborhood Investment  
Recommendation: Adopt An Oakland Redevelopment Successor Agency Resolution Ratifying  
The Oakland Redevelopment Successor Agency Assumption, Reaffirmation And Ratification  
Of Guarantees And Indemnities Required For Tax Credit Financing For The Fox Theater  
Project Including: A Guarantee By Agency In Favor Of The Tax Credit Investment Entities  
Relating To The Historic Tax Credits And New Markets Tax Credits In Event The Tax Credits  
Are Not Awarded Or Are Recaptured By The Internal Revenue Service As A Result Of  
Non-Compliance With IRS Tax Credit Requirements By For Or Its Affiliated Entities  
[13-0438](#)

**Scheduled to \*Community & Economic Development Committee on  
4/8/2014**

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S-4.10     Subject:    Army Base Utility Program Closure  
From:        Office Of Neighborhood Investment  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Negotiate And Execute An  
Amendment To Utility Program Management Agreement, In An Amount Estimated At  
\$500,000 Annually, With The Port Of Oakland, For Limited Continued Operation Of The  
Existing Integrated Utility Systems At The Former Oakland Army Base; And  
[13-0439](#)

2) A Resolution Authorizing The City Administrator To Negotiate And Execute An  
Amendment To Resource Management Services Agreement With The Port Of Oakland  
[13-0439-1](#)

**Scheduled to \*Community & Economic Development Committee on  
4/8/2014**

S-4.11      Subject:      Extend Interim Controls On Crematoriums  
From:          Department Of Planning And Building  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Emergency Ordinance Pursuant To Charter Section 213, Extending By One Hundred And Eighty (180) Days Emergency Ordinance Number 13196 C.M.S. Requiring A Major Conditional Use Permit To Establish A Crematorium Within The City Of Oakland, To Take Effect Immediately Upon Introduction And Adoption (Extends The One Hundred And Eighty (180) Day Emergency Ordinance Adopted October 15, 2013)  
[13-0445](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**  
*as a Public Hearing*

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S-4.12      Subject:      Renewal Of Oakland/Berkeley Recycling Market Development Zone  
From:          Department Of Economic And Workforce Development  
Recommendation: Adopt A Resolution Approving Renewal Of The Oakland/Berkeley Recycling Market Development Zone  
[13-0446](#)

**Scheduled to \*Community & Economic Development Committee on 4/8/2014**

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S-4.13      Subject:      Settlement Agreement - Dulcey Bower 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 Dulcey Bower v. City Of Oakland, Alameda County Superior Court Case No. RG12-634283, City Attorney File Number 28770, In The Amount Of \$3,250,000.00 (Public Works Agency - Dangerous Condition/Bicycle Accident)  
[13-0442](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

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S-4.14      Subject:      Settlement Agreement - Marilyn Johnson v. City Of Oakland, Et Al.  
From:          Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Marilyn Johnson v. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG11-604205, City Attorney's File No. 28468 In The Amount Of Thirty-Six Thousand Dollars And No Cents (\$36,000.00) As A Result Of A Trip And Fall Accident (Public Works Agency - Trip And Fall)  
[13-0443](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

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S-4.15      Subject:      Settlement Agreement - Brandon Chuman 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 Brandon Chuman v. City Of Oakland, Et Al., Contra  
Costa Superior Court Case No. MSC13-02186, City Attorney's File No. 29543, In The Amount  
Of Thirty Thousand Dollars (\$30,000.00) (Oakland Police Department - Police Dog Bite)  
[13-0444](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

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S-4.16      Subject:      Walk To Work Day In Oakland  
From:          Councilmember Dan Kalb  
Recommendation: Adopt A Resolution Proclaiming Thursday, April 3, 2014 As Walk To  
Work Day In The City Of Oakland  
[13-0447](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

*as a Consent Item*

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S-4.17      Subject:      Brain Health Registry Day  
From:          Councilmember Dan Kalb  
Recommendation: Adopt A Resolution To Declare April 8th Brain Health Registry Day In The  
City Of Oakland  
[13-0449](#)

**Scheduled to Meeting of the Oakland City Council on 4/1/2014**

*as a Consent Item*

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S-4.18      Subject:      State Housing Funding Request  
From:          Department Of Housing And Community Development  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For,  
Accept, And Appropriate Up To \$2 Million In Funds From The California Department Of  
Housing And Community Development Under The Local Housing Trust Fund Matching Grant  
Program, Housing And Emergency Shelter Trust Fund Act Of 2006 (Proposition 1C)  
Affordable Housing Innovation Fund, And Allocating Up To \$2 Million For The Affordable  
Rental And Ownership Housing Development Program  
[13-0450](#)

**Scheduled to \*Community & Economic Development Committee on  
4/8/2014**

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S-4.19      Subject:    Head Start/Early Head Start Legislative & Budget Update  
From:        Department Of Human Services  
Recommendation: Receive An Informational Report Providing A Legislative And Budget Update Submitted By The Oakland Head Start/Early Head Start Program, Along With Projection Of A Need For Continued Financial Support From The Oakland City Council In Fiscal Year (FY) 2014-2015  
[13-0383](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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S-4.20      Subject:    Behavioral Health Care Services (BHCS) For Homeless Services  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding Providing City Of Oakland Grant Funds In An Estimated Amount Not To Exceed \$200,000 Per Year To Alameda County Behavioral Health Care Services (BHCS) Agency For The Period Of July 1, 2014 Through June 30, 2015, With A Two Year Renewal Option, If Funds Are Available, For Provision Of Homeless Services At Several Permanent Supportive Housing Sites  
[13-0384](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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S-4.21      Subject:    2014 Summer Food Services Program  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator: 1) To Apply For, Accept, And Appropriate The Summer Food Service Program (SFSP) Grant From The California Department Of Education, Nutrition Services Division In An Estimated Amount Of \$623,708; And 2) To Negotiate And Execute A Professional Service Agreement Between The City And The San Lorenzo Unified School District In An Amount Not To Exceed \$265,894 To Provide Food Services For The 2014 Summer Food Service Program For Children  
[13-0432](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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S-4.22      Subject:    Oakland Paratransit For The Elderly & Disabled Program  
From:        Department Of Human Services  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A Reimbursement Agreement In The Amount Of \$180,000 With Wheelcare Express, Inc. To Provide Paratransit Services Through June 30, 2014; And Authorizing The City Administrator To Execute Amendments To The Agreement For Any Additional Amounts Received Under Measure B Or Reallocation Of Funds Without Returning To City Council  
[13-0433](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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S-4.23      Subject:      Professional Services Contract For Public Safety Radios  
From:          Department Of Information Technology  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Negotiate And Enter Into A Professional Services Contract With Harris Public Safety Communications In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000) For A One Year Agreement, With An Option To Renew For An Additional Year, For A Total Not-To-Exceed Amount Of One Million (\$1,000,000) For Maintenance And Professional Services Over A Two-Year Period, And 2) Enter Into A Purchasing Contract With Harris Public Safety Communications For Supply Of Radio Parts, And Materials For The City's 800 MHz Radio Equipment In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000) For A One Year Agreement, With An Option To Renew For An Additional Year, For A Total Not-To-Exceed Amount Of One Million (\$1,000,000) Over A Two-Year Period, And 3) Waive The City's Advertising, Competitive Bid And Request For Proposal (RFP) Process For Equipment, Products And Professional Services For The Above Described Contracts  
[13-0429](#)

**No Action Taken**

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S-4.24      Subject:      Resolution Approving Installation Of Stop Signs  
From:          Public Works Agency  
Recommendation: Adopt A Resolution Approving The Installation Of Stop Signs Pursuant To California Vehicle Code Sections 21351 And 21355 And Oakland Municipal Code Sections 10.12.010 And 10.12.110 On The Following Streets: 1.) Lowell Street, Southbound Approach, At 53rd Street; 2.) Lowell Street, Both Approaches, At 62nd Street; 3.) East 31st Street, Both Approaches, At Stuart Street; 4.) 9th Street, Eastbound Approach, At Alice Street; 5.) 10th Street, Westbound Approach, At Alice Street  
[13-0431](#)

**Scheduled to \*Public Works Committee on 4/8/2014**

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S-4.25      Subject:      Updating Welcome To Oakland Signs  
From:          Dwain L. Butler (Citizen)  
Recommendation: Adopt A Resolution To Add The Word "Loveline" On All The Signs That Say, " Welcome To Oakland " To Be Noticed By All Entering The City And Worldwide Humanity; On The April 8, 2014 Public Works Committee Agenda  
[13-0441](#)

**No Action Taken**

[Rules032014Item4](#)

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**Items Submitted on the Dais**



- #1      Subject:      Support For Assembly Bill No. 2310 Re City Attorney Eviction Authority  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution To Support California Assembly Bill No. 2310  
Immediately Reinstating Section 3485 To The California Civil Code Which Authorizes City  
Attorneys To File An Action For Unlawful Detainer To Abate A Nuisance Caused By Illegal  
Conduct Involving Weapons Or Ammunition On Real Property  
[13-0448](#)

**Scheduled to \*Rules & Legislation Committee on 3/27/2014**

*This item was placed on the agenda by the March 20, 2014 Rules and  
Legislation Committee Pursuant to Rule 28a.*

*This item requires an Urgency Finding ( 2/3 majority vote) pursuant to Section  
2.20.080 E(2) of the Sunshine Ordinance, prior to hearing the item.*

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- Subject:      Informational Report On Sinkler Miller Medical Association  
From:            Councilmember Lynette Gibson McElhaney  
Recommendation: Receive An Informational Report From The Sinkler Miller Medical  
Association About Their Important Work For African American Physicians, Pre-Medicine  
Students, And The Bay Area Community, As Well As Recognizing Kathy Ennix Upon Her  
Retirement After Twenty-2 Years As Executive Director  
[13-0451](#)

**Scheduled to \*Life Enrichment Committee on 4/8/2014**

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- 5            A Review Of The Draft Agendas For The City Council Meeting Of April 1, 2014 And The  
Rules And Legislation Committee Of April 3, 2014

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

*The EBMUD Presentation will be moved to the ceremonial portion of the City  
Council Agenda and listed as Item 4.3*

[Rules032014Item5](#)

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6            Subject:    AB 1999: Economic Development & Historic Preservation Tax Credit Act  
              From:       Vice Mayor Reid And Councilmembers Schaaf And Gibson McElhaney  
              Recommendation: Adopt A Resolution In Support Of Assembly Bill 1999 (Atkins), The  
                             California Economic Development And Historic Preservation Tax Credit Act  
                             [13-0400](#)

**A motion was made by Member Schaaf, seconded by Vice Mayor Reid,  
that this matter be \*Approve the Recommendation of Staff, and Forward  
to the Meeting of the Oakland City Council, due back on April 1, 2014.**

**The motion carried by the following vote:**

**Votes:** Aye; 4 - Vice Mayor Reid, Member Kalb, Member Schaaf and Council  
President Kernighan

*Councilmember Schaaf made a motion seconded by Councilmember Kalb to  
approve the urgency finding on item6 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*

*(1) is required to avoid a substantial adverse impact that would occur if the  
action were deferred to a subsequent special or regular meeting;*

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**Open Forum (Total Time Available: 15 Minutes)**

*1 speaker spoke during Open Forum.*

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland  
City Council Rules And Legislation Committee adjourned the meeting at 11:50  
a.m.*

NOTE:       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 48  
hours 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) 238-3226

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[TTD](#)

**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*