



# City of Oakland Meeting Minutes

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

## \*Rules & Legislation Committee

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

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

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**Thursday, May 22, 2014**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call To Order

Absent: Vice Mayor Reid

Present: Council President Kernighan, Member Schaaf and Member Kalb

*The Oakland City Council Rules And Legislation Committee convened at 10:58 a.m., with Councilmember Kernighan presiding as Chairperson.*

**COMMITTEE MEMBERSHIP: Dan Kalb, District 1; Vice Mayor Larry Reid, District 7; Libby Schaaf, District 4; Chairperson: Council President Patricia Kernighan, District 2**

1 Determinations Of Closed Session

**A motion was made by Member Schaaf, seconded by Member Kalb, to  
\*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Absent; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan  
*There will be a special closed session on 6/3/2014 at 3pm*

2 Approval Of The Draft Minutes From The Committee Meeting Of May 8, 2014

**A motion was made by Member Schaaf, seconded by Member Kalb, to  
\*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Absent; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

3 Determination Of Schedule Of Outstanding Committee Items

**A motion was made by Member Schaaf, seconded by Member Kalb, to  
\*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Absent; 1 - Vice Mayor Reid

Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

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

S-4.1      Subject:      First Amendment To The Agreement With Progressive Solutions, Inc.  
From:            Finance Department/Revenue Management Bureau  
Recommendation: Adopt A Resolution Waiving Request For Proposals ("RFP"), Competitive Selection Advertising And Competitive Bidding Requirements, And Authorizing The City Administrator To: (I) Amend The Agreement With Progressive Solutions, Inc., By Increasing The Agreement Compensation By One Million, Six Hundred Eleven Thousand, Ten Dollars (\$1,611,010) For A Total Amount Not To Exceed Two Million, Two Hundred Twenty-Eight Thousand, Ten Dollars (\$2,228,010); For System Maintenance And Support Services, Hardware (New And Replacement), Training/Payment Card Security Compliance Services ("PCI Compliance"), Certificates, Forms, Letters And Mailing, And Webhosting Services; And (II) Executing One Optional Annual Extension For Fiscal Year 2014-15 With One Remaining Optional Annual Extension In An Amount Not To Exceed Three Hundred Thirty-Eight Thousand, Nine Hundred Sixty-Three Dollars (\$338,963) For Fiscal Year 2015-16  
[13-0592](#)

**Scheduled to \*Finance & Management Committee on 6/10/2014**

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S-4.2      Subject:      Nationwide Loan Status And Financial Information Of The Rotunda Building  
From:            Citizen Gene Hazard  
Recommendation: Receive An Informational Report Regarding The Nationwide Loan Status And Financial Information Of The Rotunda Building Including 1) Status Of Nationwide Insurance Company \$20 Million Loan That Was Provided To Rotunda Partners In 2002; And 2) Total Dollar Amount Of Interest Payment Compounded At 3% On The \$12 Million Since 1999 That Should Have Been Paid To RDA By Rotunda Partners; And 3) Provide Total Dollar Amount Of Rent And Lease Payments That The Rotunda Partners Has Received Since 1999 From The Tenants Occupying Space In The Rotunda Building;  
[13-0601](#)

**Scheduled to \*Rules & Legislation Committee on 5/29/2014**

S-4.3 Subject: Measure WW Grant Project Reallocations  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution 1) Authorizing The Reallocations Of Fund Balance From Various Projects Funded By The East Bay Regional Park District Open Space, Wildlife, Shoreline, And Parks Bond (2008 Measure WW) Local Grant Program To Various Park Projects As Set Forth In The Resolution: 1) Amount Of One Hundred One Thousand Five Hundred Dollars (\$101,500.00) From Morcom Rose Garden Project (No. C377710), 2) Up To The Amount Of One Hundred Two Thousand Dollars (\$102,000.00) From Poplar Park Field Improvement Project (No. C376810), 3) Up To The Amount Of Thirty Thousand Dollars (\$30,000.00) From Owen Jones Field Improvement Project (No. C376710), 4) Three Hundred Thousand Dollars (\$300,000.00) From Madison Square Park Project (No. C376910) And 5) Up To Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) From Lazear Field Project (No. C377410); And 2) Authorizing The City Administrator Or Designee To Apply For, Accept, And Reallocate Project Balances From The East Bay Regional Park District Open Space, Wildlife, Shoreline, And Parks Bond (2008 Measure WW) To Various Park Projects As Set Forth In The Resolution, Establish A New Project Number For Each Project And Reallocate Fund Balances Among The Approved Projects As Needed  
[13-0589](#)

**Scheduled to \*Public Works Committee on 6/10/2014**

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S-4.4 Subject: Park Project Prioritization  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution To Adopt The Updated FY 2013-15 Park Project Prioritization List For City Of Oakland Park Capital Improvement Projects  
[13-0591](#)

**Scheduled to \*Public Works Committee on 6/10/2014**

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S-4.5 Subject: Cash Management Report March 2014  
From: Finance Department  
Recommendation: Receive The Cash Management Report For the Quarter Ended March 31, 2014  
[13-0610](#)

**Scheduled to \*Finance & Management Committee on 6/10/2014**

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S-4.6 Subject: CalHome Grant Application  
From: Housing And Community Development Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$1 Million Under The CalHome Program For First-Time Homebuyer Mortgage Assistance Programs  
[13-0600](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**

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S-4.7      Subject:    Modify MAP Loans With Resale Restrictions  
From:        Housing And Community Development Department  
Recommendation: Adopt A Resolution Authorizing Modifications To The Repayment Terms For First-Time Homebuyer Mortgage Assistance Program Loans Funded After April 2001 On Resale Restricted Properties To Allow Loan Assumption And Limit Recapture To A Share Of Appreciation, And Amending The Consolidated Plan For Housing And Community Development To Provide For These Modifications  
[13-0607](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**

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S-4.8      Subject:    Head Start/Early Head Start Teaching Strategies 2014-2015  
From:        Human Services Department  
Recommendation: Adopt A Resolution 1) Waiving The Competitive Request For Proposals/Qualifications Process, And 2) Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Execute A Professional Services Agreement With Teaching Strategies For Specialized Training & Technical Assistance On Creative Curriculum And A Specialized Form Of Practice-Based Coaching For Early Childhood Education Instructors Called Coaching To Fidelity, In Estimated Amounts Of \$17,617.47 For Fiscal Year 2013-2014 And \$15,816.14 For Fiscal Year 2014-2015, For A Total Amount Not To Exceed \$33,433.61 Contingent Upon Receipt Of Grant Funding  
[13-0590](#)

**Scheduled to \*Life Enrichment Committee on 6/10/2014**

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S-4.9      Subject:    California Egg Producers  
From:        Councilmember Libby Schaaf  
Recommendation: Adopt A Resolution Urging California Egg Producers And Retailers To Come Into Compliance With Upcoming Anti-Cruelty Law By Becoming Cage-Free  
[13-0588](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**

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S-4.10     Subject:    Honoring Oakland Tales  
From:        Councilmember Gibson McElhaney And Vice Mayor Reid  
Recommendation: Adopt A Resolution Honoring Oakland Tales, A Book Written About Life In Oakland Through The Lens Of Two Youth Who Travel Back In Time Through Oakland's History, And Recognizing Author Summer Brenner And Illustrator Miguel Perez  
[13-0586](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**

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S-4.11 Subject: Measure M: FY 2014-15 Tax Adjustment  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2013-14 Increase To A Special Tax Imposed For Emergency Medical Services, In Accordance With The Consumer Price Index, And Pursuant To The Emergency Medical Services Retention Act Of 1997 (Measure M)  
[13-0594](#)

**Scheduled to \* Special Meeting of the Oakland City Council on 6/2/2014**

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S-4.12 Subject: Measure N: FY 2014-15 Tax Adjustment  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2014-15 Increase To A Special Tax Imposed For Paramedic Emergency Services, In Accordance With The Consumer Price Index, And Pursuant To The 1997 Paramedic Services Act (Measure N)  
[13-0595](#)

**Scheduled to \* Special Meeting of the Oakland City Council on 6/2/2014**

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S-4.13 Subject: Measure Q: FY 2014-15 Tax Adjustment  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2014-15 Increase To A Special Tax Imposed For Library Services, In Accordance With The Consumer Price Index, And Pursuant To The Library Services Retention And Enhancement Act Of 2004 (Measure Q)  
[13-0597](#)

**Scheduled to \* Special Meeting of the Oakland City Council on 6/2/2014**

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S-4.14 Subject: Measure Y: FY 2014-15 Tax Adjustment  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing A Fiscal Year 2014-15 Increase To A Special Tax Imposed For Violence Prevention And Public Safety Services, In Accordance With The Consumer Price Index, And Pursuant To The Violence Prevention And Public Safety Act Of 2004 (Measure Y)  
[13-0598](#)

**Scheduled to \* Special Meeting of the Oakland City Council on 6/2/2014**

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S-4.15 Subject: CalTrans Letter Of Understanding Annual Report  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report On The Annual Progress Of CalTrans Maintenance Activities In The City Of Oakland  
[13-0611](#)

**Scheduled to \*Public Works Committee on 6/10/2014**

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S-4.16      Subject:      Settlement Agreement-Joyce Ogden  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Joyce Ogden And Her Attorney Joseph Jung, City Attorney's Claim No. C29538, In The Amount Of Seven Thousand Five Hundred Dollars And No Cents (\$7,500.00) (Police Department- Auto Collision)  
[13-0608](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**

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S-4.17      Subject:      Settlement Agreement - Devan Murphy  
From:            Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Devan Murphy City Attorney's Claim No. C29898, In The Amount Of Fifteen Thousand Three Hundred Twenty Five Dollars And Six Cents (\$15,325.06) Payable To Devan Murphy And Capital One Auto Financing. (Police Department - Auto Collision)  
[13-0609](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**

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S-4.18      Subject:      Broadway Valdez District Specific Plan  
From:            Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution, As Recommended By The City Planning Commission, (A) Certifying The Environmental Impact Report And Making Related CEQA Findings; And (B) Adopting The Broadway Valdez District Specific Plan And Related General Plan Amendments And Design Guidelines; And

[13-0593](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**

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2) An Ordinance, As Recommended By The City Planning Commission, Amending The (A) Oakland Planning Code To Create The D-BV Broadway Valdez District Commercial Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Adopting Zoning And Height Area Maps; And (B) Oakland Master Fee Schedule (Ordinance No. 13184 C.M.S., As Amended) To Establish A Parking In-Lieu Fee And Open Space In-Lieu Fee

[13-0593-1](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**

S-4.19      Subject:    Draft 2015-2023 Housing Element  
From:        Planning And Building Department  
Recommendation: Receive An Informational Report On The Draft 2015-2023 Housing Element Of The Oakland General Plan  
[13-0596](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**  
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S-4.20      Subject:    Reasonable Accommodations Ordinance  
From:        Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To Create Chapter 17.131, Reasonable Accommodations Policy And Procedures  
[13-0599](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**  
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S-4.21      Subject:    Amend Planning Code Regarding Emergency Shelters  
From:        Planning And Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To (1) Permit Emergency Shelters By-Right In Limited Segments Of The Following Residential, Commercial, Civic And Industrial Zones: Residential Mixed Use, Urban Residential, Neighborhood Center, Community Commercial, Broadway Retail Frontage District Interim Combining Zone, Medical Center, Housing And Business Mix, And The CIX-1, CIX-2, IG, And IO Industrial Zones, And (2) Modify The Definitions For Transitional And Supportive Housing, To Comply With California State Law  
[13-0602](#)

**Scheduled to \*Community & Economic Development Committee on 6/10/2014**  
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S-4.22      Subject:    Tract 8124 Subdivision Map, 486 - 496 60th Street  
From:        Planning And Building Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Conditionally Approving A Final Map For Tract No. 8124 Located At 486-496 60th Street For A Six Lot Residential Subdivision For Telegraph Green LLC; And  
[13-0603](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**  
*Non-Consent*  
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2) A Resolution Approving A Subdivision Improvement Agreement With Telegraph Green LLC For Deferred Construction Of Public Infrastructure Improvements For The Final Map For Tract No. 8124 Located At 486-496 60th Street  
[13-0603-1](#)

S-4.23      Subject:      Extension Of Unattended Donation Boxes Moratorium  
From:          Department Of Planning And Building  
Recommendation: Conduct A Public Hearing And Upon Conclusion Consider Extension Of Ordinance No. 13225 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Establishment, Installation, Placement, Construction, And/Or Expansion Of Unattended Donation Boxes To Take Immediate Effect, Through March 3, 2015 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First; (7 VOTES REQUIRED FOR PASSAGE)  
[13-0604](#)

**Scheduled to Meeting of the Oakland City Council**

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[Rules052214Item4](#)

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#1            Subject:      Appointment Of Police Chief Sean Whent  
From:          Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Employment Agreement Between The City And Chief Of Police Sean Whent For The Four-Year Term Of May 14, 2014 Through May 13, 2018 And Total Annual Compensation Of \$262,879.21 Which Includes An Annual Salary Of \$226,438.44, The Top Of The Salary Range For The Chief Of Police Classification, And Premium Pay Required By The Memorandum Of Understanding Between The City And The Oakland Police Management Association In The Amount Of \$36,440.76  
[13-0613](#)

**Scheduled to Meeting of the Oakland City Council on 6/3/2014**

*Non-Consent*

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#2            Subject:    Equipment Master Lease 2014  
                 From:            Oakland Public Works Department  
                 Recommendation: Adopt A Resolution Authorizing The City Administrator And/Or Designee To (1) Execute A Master Lease Purchase Agreement And All Related Documents With A Financial Institution To Be Identified And Selected Through A Competitive Bidding Process In The Amount Of \$15,731,000 To Replace Approximately 269 Vehicles And Equipment Items And, For Items Available From Local Vendors, (2) Authorizing The Waiver Of The Oakland Purchasing Ordinance's Formal Advertising And Competitive Bidding Requirements And Allowing The City Administrator To Solicit Bids From Three Vendors And Award Contracts For Both The Purchase Of The Vehicles And Equipment And Related Financing Without Returning To Council And For Items Not Available From Local Vendors, And (3) Authorize The City Administrator To Enter Into Cooperative Purchase Agreements With Other Governmental Agencies To Purchase The Needed Vehicles And Equipment  
[13-0612](#)

**Scheduled to \*Finance & Management Committee on 6/10/2014**

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#3            Subject:    Use Of Excess Real Transfer Tax Revenues & Establishing Rainy Day Fund  
                 From:            Councilmember Libby Schaaf  
                 Recommendation: Receive A Report And Adopt Recommendations To Amend Ordinance No. 13170 The Council's General Purpose Fund (GPF) Financial Policies Regarding Use Of Excess Real Transfer Tax Revenues And Establishing A Rainy Day Fund And Policy For Funding Debt And Unfunded Liabilities  
[13-0614](#)

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**Items Submitted On The Dais**

5            A Review Of The Draft Agendas For The City Council Meeting June 3, 2014 And The Rules And Legislation Committee Of June 5, 2014  
**A motion was made by Member Kalb, seconded by Member Schaaf, to \*Approve as Submitted. The motion carried by the following vote:**  
**Votes:** Absent; 1 - Vice Mayor Reid  
                 Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan

[Rules052214Item5](#)

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S-6            Subject:    Opposition To AB 2145 - Community Choice Electricity  
 From:            Councilmember Dan Kalb  
 Recommendation: Adopt A Resolution In Opposition To Assembly Bill (AB) 2145 (Bradford)  
 - State Legislation That Would Effectively Impede Local Jurisdictions' Ability To Create  
 Workable Electricity Community Choice Aggregation Programs By Replacing The Current  
 Opt-Out Structure With An Opt-In Structure  
[13-0529](#)

**A motion was made by Member Kalb, seconded by Member Schaaf, that this matter be \*Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, due back on June 3, 2014. The motion carried by the following vote:**

**Votes:** Absent; 1 - Vice Mayor Reid  
 Aye; 3 - Member Kalb, Member Schaaf and Council President Kernighan  
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**Open Forum (Total Time Available: 15 Minutes)**

*1 speakers 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 12:20 p.m.*

S-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.

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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*