

City of Oakland

Office of the City Clerk
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Oakland, California 94612
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Meeting Minutes *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

<u>15-0505</u>

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

Attachments: View Report

Presentation 1 SAHA

Presentation 2- Bridge AGI Avant

Presentation 3 UrbanCore

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

Attachments: View Report

86031 CMS

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

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

<u>15-0553</u>

Attachments: View Report

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

4.5 Measure C - Oakland Hotel Tax Audit and Program Status Report Subject:

From: Finance Department

Recommendation: Receive The Measure C - Oakland Hotel Tax Audit And Program

Status Report For The Year Ended June 30, 2015

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 Measure Y - Violence Prevention and Public Safety Act of 2004 Audit Subject:

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

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

Attachments: View Report

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 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

Attachments: View Report

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

4.9 Amending Fire Code Chapter 15.12, Section 114.3 Subject:

> 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

View Supplemental Report View Supplemental Report

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: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance 13320 C.M.S. (The FY 2015-16 Master Fee Schedule, Or "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

View Supplemental Report View Supplemental Report

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 Resolution By The City Council Of The City Of Oakland Authorizing The City Administrator To Award A Three (3) Year Contract With Macias Gini & O'Connell, LLP (MGO) To Provide As-Needed Professional Auditing Services For Fiscal Years Ending June 30, 2016, June 30, 2017, And June 30, 2018 In An Amount Not To Exceed \$1,853,800 (Of Which \$1,791,550 Will Be Funded By The City And \$62,250 Will Be Funded By The Oakland Redevelopment Successor Agency), With A One (1) Year Option To Extend The Contract For Fiscal Year Ending June 30, 2019; And 15-0658

Attachments: View Report

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

2) A Resolution Authorizing The Agency Administrator To Award A Three (3) Year Contract With Macias Gini & O'Connell, LLP (MGO) To Provide As-Needed Professional Auditing Services For Fiscal Years Ending June 30, 2016, June 30, 2017, And June 30, 2018 In An Amount Not To Exceed \$1,853,800 (Of Which \$62,250 Will Be Funded By The Oakland Redevelopment Successor Agency And \$1,791,550 Will Be Funded By The City), With A One (1) Year Option To Extend The Contract For Fiscal Year (Ending June 30, 2019) 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

Attachments: View Report

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

Attachments: View Report

View Supplemental Report

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

Attachments: View Report

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 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

Attachments: View Report

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-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 15-0653

Attachments: View Report

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

Attachments: View Report

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 Declaring March 2016 As American Red

Cross Month 15-0699

Attachments: View Report

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 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 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 Oustanding Performances And First Place Awards In The 37th Annual Martin Luther King Jr. Oratorical Fest 2016 15-0701

Attachments: View Report

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

Attachments: View Report

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

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

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 And Councilmember Kalb 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 Make Such Changes To The Rules Of Procedure As May Be Directed By The Council; And (2) 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]

Attachments: View Report

View Supplemental Report
View Supplemental Report

View Supplemental Report

View Supplemental Report

86034 CMS

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 View Supplemental Report

86032 CMS

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 McElhanev

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 inflormation 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.

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^{*} 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.