



# 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>

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Thursday, February 2, 2017

10:45 AM

City Council Chamber, 3rd Floor

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### Roll Call / Call To Order

*The Oakland City Council Rules and Legislation Committee convened at 10:56 a.m., with Council President Reid presiding as Chairperson.*

### COMMITTEE MEMBERSHIP:

**Excused** 1 - Lynette Gibson McElhaney

**Present** 3 - Abel J. Guillén, Dan Kalb, and Laurence E. Reid

### 1 Determinations Of Closed Session

[16-0621](#)

**Attachments:** [View Report](#)

*The City Attorney announced the final decision of a special closed session February 7, 2017 at 2:30 p.m. to discuss anticipated and pending litigation, and other matters.*

*There were no speakers on this item.*

**A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:**

**Excused:** 1 - Gibson McElhaney

**Aye:** 3 - Guillén, Kalb, and Reid

### 2 There Are No Minutes For Approval For January 19, 2017

[16-0622](#)

*There was no action necessary for this item.*

### 3 Determination Of Schedule Of Outstanding Committee Items

[16-0623](#)

**Attachments:** [View Report](#)

*There were no speakers on this item.*

**This Report and Recommendation be Accepted.**

**Excused:** 1 - Gibson McElhaney

**Aye:** 3 - Guillén, Kalb, and Reid

**4** Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
[16-0624](#)

**Attachments:** [View Report](#)

*There were 2 speakers on various items.*

**A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted as Amended. The motion carried by the following vote:**

**Excused:** 1 - Gibson McElhaney

**Aye:** 3 - Guillén, Kalb, and Reid

**4.1** Subject: Resolution Prohibiting Hiring Discrimination Based On Non-Work-Related Cannabis Use  
From: Councilmember Kaplan  
Recommendation: Adopt A Resolution Declaring That Non-Work-Related Cannabis Use Shall Not Be Grounds For The City Of Oakland To Reject A Job Applicant; On The March 14, 2017 Finance And Management Committee Agenda  
**16-0692**

**This City Resolution be Scheduled.to go before the \*Finance & Management Committee to be heard 3/14/2017**

**4.2** Subject: Parks And Recreation Foundation's Community Report Card  
From: Councilmember Kaplan  
Recommendation: Receive An Informational Report From The Oakland Parks And Recreation Foundation's Community Report Card On The State Of Maintenance In Oakland Parks  
[16-0690](#)

**Sponsors:** Kaplan

**Attachments:** [View Report](#)

**This Informational Report be Scheduled.to go before the \*Public Works Committee to be heard 2/14/2017**

- 4.3** Subject: Informational Report On A Proactive Rental Inspection Pilot  
From: Councilmember Gibson McElhaney  
Recommendation: Receive An Informational Report On Creating A Pilot Proactive Rental Inspection Pilot Program To Address Housing Habitability Concerns That Concentrates On Areas Of The City That Pose The Highest Risk For Childhood Lead Poisoning And Proposals For Funding Consideration For The FY 2017-19 Budget; On The March 28, 2017 Community And Economic Development Committee Agenda  
**16-0687**

**Sponsors:** Gibson McElhaney

**This Informational Report be Scheduled.to go before the \*Community & Economic Development Committee to be heard 4/11/2017**

- 4.4** Subject: Informational Report On Police Search Data  
From: Councilmember Kaplan  
Recommendation: Receive An Informational Report On Police Search Data That Breaks Down “Successful” Searches Showing Numbers That Were Firearms, Numbers That Were Cannabis, And Numbers That Were Other Items; On The April 11, 2017 Public Safety Committee Agenda  
**16-0693**

**This Informational Report be Scheduled.to go before the \*Public Safety Committee to be heard 4/11/2017**

Subject: Police Search Data Policy Review For Cannabis And Firearms  
From: Councilmember Kaplan  
Recommendation: Adopt A Resolution Declaring That Finding Cannabis When Searching A Person Or Vehicle Shall Not Be Considered As Having “Successfully Found An Illegal Item”; On The April 11, 2017 Public Safety Committee Agenda  
**16-0694**

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 4/11/2017**

- 4.5** Subject: Reappointment To The Citizen's Police Review Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Brian Bingham, Charlette Green And Jose A. Dorado To The Citizen's Police Review Board

**[16-0688](#)**

**Sponsors:** Office Of The Mayor

**Attachments:** [View Report](#)

**This City Resolution be Scheduled.to go before the \*Rules & Legislation Committee to be heard 2/16/2017**

- 4.6 Subject: Resolution Calling On CalPERS To Divest From DAPL  
From: Councilmember Kaplan  
Recommendation: Adopt A Resolution Calling On The California Public Employees' Retirement System (CalPERS) To Divest From The Dakota Access Pipeline (DAPL) [16-0691](#)

**Attachments:** [View Report](#)

**This City Resolution be Scheduled to go before the \*Rules & Legislation Committee to be heard 2/16/2017**

- 4.7 Subject: Environmental Science Associates Contract - Coal Health And Safety Analysis  
From: Bureau Of Planning  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Contract Amendment With Environmental Science Associates In The Amount Of Twenty Thousand Three Hundred And Fifty Seven Dollars (\$20,357), For A Total Contract Amount Of One Hundred Forty Thousand Three Hundred And Fifty Seven Dollars (\$140,357), For Work Related To The Analysis Of Potential Health And Safety Effects Of Certain Commodities Proposed At The Oakland Bulk And Oversized Terminal, From Undesignated General Purpose Fund Balance; On The February 21, 2017 City Council Agenda  
**16-0686**

**Sponsors:** Planning & Building Department

**This City Resolution be Withdrawn with No New Date.**

- 4.8 Subject: Honoring The McClymonds High School Warriors  
From: Councilmember Gibson McElhaney  
Recommendation: Adopt A Resolution Honoring The McClymonds High School Warriors For Winning The California Interscholastic Federation Division 5A Championship  
[16-0685](#)

**Sponsors:** Gibson McElhaney

**Attachments:** [View Report](#)

**This City Resolution be Scheduled to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/21/2017 as a ceremonial item**

**4.9** Subject: Resolution Honoring The Bishop O'Dowd Football Team (2016 Champions)  
From: Council President Reid  
Recommendation: Adopt A Resolution Honoring And Recognizing Bishop O'Dowd Boys Football Team For Winning The 2016 California Interscholastic Federation (CIF) -State Division 5-AA Championship  
[16-0689](#)

**Sponsors:** Mr. Reid

**Attachments:** [View Report](#)

**This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/21/2017 as a ceremonial item**

**4.10** Subject: Council President Appointments To Council Committees For 2017-2019  
From: Council President Reid  
Recommendation: Adopt A Resolution Pursuant To The Council's Rules Of Procedure (Resolution No. 82580 C.M.S.) To Confirm The City Council President's Appointments Of The Members And Chairpersons Of The Public Works, Finance And Management, Community And Economic Development, Life Enrichment, Public Safety, Rules And Legislation, And Education Partnership Committees Of The City Council  
[16-0600](#)

**Sponsors:** Larry Reid

**Attachments:** [View Report](#)

**This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/21/2017 as a non-consent item**

**REQUESTS SUBMITTED ON THE DIAS**

Subject: Support Of Senate Bill 54 - California Values Act  
From: Pro Tem Guillen, Council President Reid, & Councilmember Gallo  
Recommendation: Adopt A Resolution In Support Of Senate Bill 54 (De Leon) That Woud Prevent The Use Of State And Local Resources For Federal Immigration Enforcement Actions That Will Separate Families And Hurt The Sate's Economy  
[16-0696](#)

**Sponsors:** Guillén, Mr. Reid and Gallo

**Attachments:** [View Report](#)

**This City Resolution be Scheduled.to go before the \*Rules & Legislation Committee to be heard 2/23/2017**

Subject: Presidential Executive Order - Border Wall - No Support To Border Wall Contractors  
From: Pro Temp Guillen and Council President Reid  
Recommendation: Adopt A Resolution Denouncing The Presidential Executive Order To Build A Wall On The U.S. - Mexico Border, And To The Extent Practicable, Urging City Departments To Refrain From Entering Inot Any New Or Amended Contracts To Purchase Goods Or Services From Any Company That Provides Goods Or Services In Support Of The Building Of Said Border Wall; On The February 28, 2017 Finance And Management Committee Agenda  
**16-0697**

Sponsors: Guillén and Mr. Reid

**This City Resolution be Scheduled.to go before the \*Finance & Management Committee to be heard 2/28/2017**

Subject: Status Update On Progress Of Implementation Of Measure To Aid Homeless Individuals Residing In Oakland  
From: Councilmember Dan Kalb  
Recommendation: Receive A Comprehensive Informational Report On All City's Efforts To Address The Challenges And Needs Of The Homeless Individuals Residing In Oakland With Options For Additional Administrative, Legislative And Budgetary Actions. This Report Shall Include, But Not Be Limited To, Information On Coordination And Work With The State Agencies, County And Adjacent Jurisdictions, Progress On Identifying Land For A Sanctioned Encampment, Status And Feasibility Of Tiny Homes As A Partial Solution, Number Of Beds In Oakland-Based Shelter, And Any Other Solutions That The Administration Deems Worthy Of Consideration; On The March 28, 2017 Special City Council Meeting Agenda  
**16-0698**

**This Informational Report be Scheduled.to go before the \*Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council to be heard 3/28/2017**

**ADJUSTMENTS TO THE FEBRUARY 7, 2017 CITY COUNCIL AGENDA**

Subject: Honorarium For Gregory Chan Of EBMUD  
From: President Pro Tem Guillén, Council President Reid, Councilmember Kalb  
And Mayor Schaaf  
Recommendation: Adopt A Resolution Honoring Gregory L. Chan For Exemplary  
Service To The Oakland Community  
[16-0628](#)

**Sponsors:** Guillén, Larry Reid, Dan Kalb and Libby Schaaf

**Attachments:** [View Report](#)  
[View Supplemental Report](#)

**This City Resolution be Scheduled.to go before the Concurrent Meeting of the  
Oakland Redevelopment Successor Agency and the City Council to be heard  
3/7/2017**

- 5 A Review Of The Draft Agendas For The Council Committee Meetings Of February  
14, 2017 And The Rules And Legislation Committee Of February 16, 2017  
[16-0626](#)

**Attachments:** [View Report](#)

*There were no speakers on this item.*

**FROM THE LIFE ENRICHMENT COMMITTEE OF FEBRUARY 14, 2017**

Subject: Oakland Children Smoking Prevention And Tobacco Control Ordinance  
From: Vice Mayor Campbell Washington And Council President Reid  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter  
5.91 To Prohibit The Sale Of Flavored Tobacco Products, Establish A Minimum  
Package Or Volume Size For Cigars, Prohibit The Sale Of Individual Or Small Unit  
Packages Of Cigars, Prohibit The Redemption Of Tobacco Discounts And Coupons,  
And To Prohibit The Issuance Of A Tobacco Retail License To A Pharmacy Or Store  
Containing A Pharmacy; On The February 14, 2017 Community And Economic  
Development Committee Agenda  
[16-0413](#)

**Sponsors:** Campbell Washington and Mr. Reid

**This Ordinance be Scheduled.to go before the \*Life Enrichment Committee to be  
heard 4/11/2017**

*Staff noted changes to titles to the following items:*

*Item 4 previously scheduled for the February 14, 2017 Public Works Committee, requested to rescheduled to the x Public Works Committee agenda regarding the Zero Waste Report to now read:*

*"Informational Report On The Outcomes Of Efforts And Strategies To Reduce Zero Waste Collection Push Service Costs For Multi-Family Buildings Informational Report On Outcomes"*

*Item 4 scheduled to the February 14, 2017 Life Enrichment Committee, to adjust the dollar figures accordingly:*

*\$38,275 as the new figure for the 17 - 18 fiscal year and \$36,692 as the new figure for the 18 - 19 fiscal year.*

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

*There were 3 speakers 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 11:35 a.m.*

**Americans With Disabilities Act**

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**Office of the City Clerk - Agenda Management Unit**

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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.