



# 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 - FINAL \*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, December 15, 2016

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 11:10 a.m., with Council President Gibson McElhaney presiding as Chairperson.*

**Excused** 1 - Laurence E. Reid

**Present** 3 - Abel J. Guillén, Dan Kalb, and Lynette Gibson McElhaney

### 1 Determinations Of Closed Session

[16-0488](#)

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

*There will be a Special Closed Session on 1/17/2017 at 1:30 p.m.*

**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 - Reid

**Aye:** 3 - Guillén, Kalb, and Gibson McElhaney

### 2 Approval Of The Draft Minutes From The Committee Meeting Of December 1, 2016

[16-0489](#)

*Meeting minutes from December 1 will be presented at the following Rules and Legislation Committee meeting in January of 2017.*

**This City Resolution be No Action Taken.**

### 3 Determination Of Schedule Of Outstanding Committee Items

[16-0490](#)

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

**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 - Reid

**Aye:** 3 - Guillén, Kalb, and Gibson McElhaney

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
[16-0491](#)

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

*There were 2 speakers on this item.*

**This Report and Recommendation be Accepted as Amended.**

4.1 Subject: Recognized Obligation Payment Schedule 2017-18  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Approving The Submission Of A Recognized Obligation Payment Schedule And Successor Agency Administrative Budget For July 1, 2017 Through June 30, 2018 To The Oakland Oversight Board, The County And The State  
[16-0530](#)

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

[View Supplemental Report](#)

[2017.001 CMS](#)

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 1/10/2017**

4.2 Subject: Fiscal Year 2015 FEMA, Urban Search And Rescue Supplemental Funding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Amending Resolution No. 85941 CM.S. Which Authorized The City Administrator Or Her Designee Among Other Things, To Enter Into An Agreement To Accept, Appropriate And Administer FY 2015 Urban Search And Rescue (US&R) Grant Funds, To Accept, Appropriate And Administer Supplemental FY 2015 US&R Grant Funds In An Amount Not To Exceed Forty-Nine Thousand One Hundred And Fifty-One Dollars (\$49,151) For A Cumulative FY 2015 US&R Grant Award Allocation In An Amount Not To Exceed One Million Two Hundred And Seventy-Eight Thousand Seven Hundred And Thirty-Three Dollars (\$1,278,733) And Appropriate Said Funds To The US&R Task Force  
[16-0529](#)

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

[86568 CMS](#)

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 1/10/2017**

**4.3** Subject: Unity Schools Right Of Entry Agreement  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee To Enter Into A Memorandum Of Understanding With Unity Schools For The Period Of October 1, 2016 To September 30, 2017 To Allow The Oakland Police Department (OPD) To Use Unity Schools Premises For Training Purposes  
[16-0528](#)

**Attachments:** [View Report](#)  
[86567 CMS](#)

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 1/10/2017**

**4.4** Subject: FY 2017-19 Mayor And Council Budget Priorities  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report To Begin Discussing Mayor And Council Priorities For The Fiscal Year (FY) 2017-19 Budget Based On Preliminary Projected Increases Or Decreases In The Next Budget In Accordance With The Consolidated Fiscal Policy (Ordinance 13279 C.M.S.).  
[16-0525](#)

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

**This Informational Report be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 1/31/2017**

**4.5** Subject: Budget Polling Results  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report Presenting The Results Of The Budget Priorities Poll Of Oakland Residents Conducted In Accordance With The Consolidated Fiscal Policy (Ordinance No. 13279 C.M.S.) As Part Of The Fiscal Year (FY) 2017-19 Budget Development  
[16-0526](#)

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

**This Informational Report be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 1/31/2017**

**4.6** Subject: FY 2017-19 Budget Briefing  
From: Office Of The City Administrator  
Recommendation: Receive An Informational Report To Provide A Briefing On Estimated Baseline Expenditures, Revenue Projections For Fiscal Year (FY) 2017-19 And An Overview Of The City's Budgeting Process In Accordance With The Consolidated Fiscal Policy (Ordinance No. 13279 C.M.S.)  
[16-0527](#)

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

**This Informational Report be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 1/31/2017**

**4.7** Subject: Settlement of Philadelphia Indemnity Insurance Co. 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 Philadelphia Indemnity Insurance Co. V. City Of Oakland, Alameda County Superior Court Case No. RG15768353, City Attorney's File No. 29681, In The Amount Of One Hundred Sixty-Two Thousand Dollars And Zero Cents (\$162,000.00) (Public Works - Inverse Condemnation)  
[16-0531](#)

**Attachments:** [View Report](#)  
[86558 CMS](#)

**This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/17/2017**

**4.8** Subject: Settlement Agreement Of Michele DiFrancia 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 Michelle DiFrancia V. City Of Oakland, Et. Al. Alameda County Superior Court Case No. RG15783586, City Attorney's File No. 30493, In The Amount Of Thirty-One Thousand Dollars And Zero Cents (\$31,000.00) (Oakland Public Works - Dangerous Condition)  
[16-0532](#)

**Attachments:** [View Report](#)  
[86559 CMS](#)

**This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/17/2017**

**4.9** Subject: Examining Alameda County Probate Court Process, And Grand Jury Investigation  
From: Councilmember Gibson McElhaney  
Recommendation: Adopt A Resolution Requesting An Examination Of The Way In Which The Probate Courts In Alameda County Function And Directing The City Administrator To Send Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy O'Malley, The Judicial Council Of California, Alameda County Board Of Supervisors, Assemblymember Tony Thurmond, Assemblymember Rob Bonta, And State Senator Nancy Skinner  
[16-0345](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[86560 CMS](#)

*Staff requested title change to read as follows: "Adopt A Resolution Requesting An Examination Of The Way In Which The Probate Courts In Alameda County Function And Directing the City Administrator To Send Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy O'Malley, Alameda County Board of Supervisors, Assemblymember Tony Thurmond, And State Senator Nancy Skinner."*

**This City Resolution be Scheduled to go before the \*Rules & Legislation Committee to be heard 1/17/2017**

**Items Submitted On The Dais**

**S1** Subject: Extending The Emergency Moratorium On Residential Hotel Conversion Or Demolition  
From: Council President Gibson McElhaney, President Pro Tem Reid, Councilmember Kaplan and Councilmember Gullien  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt an Ordinance Extending Ordinance No. 13410 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Conversion, Demolition, Reconfiguration, And Rehabilitation Of Residential Hotels, To Take Immediate Effect, Through December 11, 2018 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First  
[16-0533](#)

**Attachments:** [View Report](#)  
[13415 CMS](#)

**This City Resolution be Scheduled to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/17/2017**

**S2** Subject: Fiscal Year 2015-16 Workers Compensation Annual Report  
From: Human Resources Management  
Recommendation: Staff Recommends That The City Council Receive The Informational Report On The Workers Compensation Programs For Fiscal Year 2015-16  
[16-0535](#)

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

**This City Resolution be Scheduled to go before the \*Finance & Management Committee to be heard 1/10/2017**

**S3** Subject: Honoring Brooke A. Levin  
From: Vice Mayor Campbell Washington, President Reid, Pro Tem Guillén, & Councilmember Gibson McElhaney  
Recommendation: Adopt A Resolution Honoring Brooke A. Levin For 26 Years Of Exemplary Service To Oakland Public Works Department And Congratulating Her On Her Retirement  
[16-0534](#)

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

**Staff requested to add President Pro Tempore Reid as a co-sponsor and President Gibson McElhaney.**

**This City Resolution be Scheduled to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/7/2017**

**From The January 10, 2017 Community and Economic Development Committee**

Subject: Ordinance To Encourage And Incentivize The Development Of Worker-Owned Businesses In The City Of Oakland  
From: Vice Mayor Campbell-Washington, Councilmember Kalb and Councilmember Kaplan  
Recommendation: Adopt An Ordinance Adding Chapters 2.44, Worker Cooperatives Incentives For Growth Ordinance; Chapter 2.45, Worker Cooperative Support Program; And Chapter 2.46, Business Succession Planning Opportunity And Outreach Tracking, To The Oakland Municipal Code To Establish Incentives, Support And Planning To Encourage And Incentivize The Development Of Worker-Owned Businesses In The City Of Oakland And Provide Financial Assistance, And Amending Oakland Municipal Code Chapter 2.04, Purchasing System To Establish Worker Cooperative Preferences In Contracting And Chapter 5.02, Business Permits Generally, To Establish Worker Cooperative Business Tax And Permit Requirements  
[16-0454](#)

**Staff requested to withdraw this item from the Community and Economic Development Committee meeting on 1/10/2017 and add Councilmember Kaplan as a co-sponsor.**

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

**Regarding the January 10, 2017 Life Enrichment Committee**

- 1 Subject: Healthy Vending Ordinance  
From: Vice Mayor Campbell Washington  
Recommendation: Adopt An Ordinance Adding Chapter 8.15 To The Oakland Municipal Code To (1) Require that Prepackaged Food And Beverages Sold In Vending Machines On City Property Meet Specified Nutritional Standards, (2) Request City Departments To Meet Nutritional Guidelines For Food And Beverages Purchased With City Funds And Served At City Events And Meetings, And (3) Encourage Restaurants Located On City Property To Offer Healthy Food Options  
[16-0412](#)

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

*Staff requested to change the title to read as follows: "Adopt An Ordinance Adding Chapter 8.15 To The Oakland Municipal Code To (1) Require That Prepackaged Food And Beverages Sold In Vending Machines On City Property Meet Specified Nutritional Standards, (2) Request City Departments To Meet Nutritional Guidelines For Food And Beverages Purchased With City Funds And Served At City Events And Meetings, And (3) Encourage Restaurants Located On City Property To Offer Healthy Food Options."*

**From The January Community and Economic Development Pending List**

- 7 Subject: Amendments To Relocation Assistance Requirements  
From: Councilmember Rebecca Kaplan  
Recommendation: Adopt An Ordinance To Amend The Code Enforcement Relocation Program, O.M.C. Chapter 15.60, To: (1) Increase Relocation Payments For Tenants Displaced For Code Compliance Repairs; (2) Redefine Tenant Eligibility For Relocation Payments To Expand Eligibility For Such Payments; And (3) Enhance Penalty Provisions And Remedies For Violations Of O.M.C. Chapter 15.60  
[15-0240](#)

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

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*Staff requested to add this item to the Community and Economic Development Committee meeting agenda on 1/10/2017.*

**This Ordinance be Scheduled to go before the \*Community & Economic Development Committee to be heard 1/10/2017**

**From the Public Works Committee Pending List**

Subject: "Push\Pull" Rates For Multi-Family Buildings  
From: Councilmember Kalb And Councilmember Kaplan  
Recommendation: Receive Updated Status Report And Recommendations On Efforts And Strategies To Reduce Waste Management's And California Waste Solutions's Zero-Waste 'Push\Pull' Service Costs For Multi-Family Buildings, Including Information Provided By Waste Management Of Alameda County  
[16-0367](#)

*Councilmember Kalb requested to move this item to the 2/14/2017 Public Works Committee meeting agenda.*

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

- 5 THERE ARE NO AGENDAS FOR THE WEEK OF DECEMBER 27, 2016 ALL MEETINGS ARE CANCELLED  
[16-0492](#)

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

- 6 Subject: Appointment Of Debra Mesaros To Housing, Residential Rent And Relocation Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Debra Mesaros To The Housing, Residential Rent And Relocation Board As A Tenant Representative  
[16-0503](#)

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

[86557 CMS](#)

*There is 1 speaker on this item.*

**A motion was made by Dan Kalb, seconded by Abel J. Guillén, that this matter be Approve the Recommendation of Staff, and Forward to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 1/17/2017. The motion carried by the following vote:**

**Excused:** 1 - Reid

**Aye:** 3 - Guillén, Kalb, and Gibson McElhaney

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

*There were 2 speakers on 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 11:46 a.m.*

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

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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.