



City of Oakland

Office of the City Clerk
Oakland City Hall
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Oakland, California 94612
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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>

Thursday, September 21, 2017

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules And Legislation Committee convened at 10:55 a.m., with Council President Reid presiding as Chairperson.

Roll Call / Call To Order

Present 4 - Lynette McElhaney, Abel J. Guillén, Laurence E. Reid, and Annie Campbell Washington

1 Determinations Of Closed Session

[17-0067](#)

Attachments: [View Report](#)

The City Attorney reported that there would be a Special Closed Session on Monday September 25, 2017 at 2 p.m. in Hearing Room 4, and on October 3, 2017 at 1:30 p.m. in Hearing Room 4.

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

2 There Are No Minutes For Approval

[17-0068](#)

3 Determination Of Schedule Of Outstanding Committee Items

[17-0069](#)

Attachments: [View Report](#)

There were no changes made to the pending list.

There was 1 speaker on this item.

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[17-0070](#)

Attachments: [View Report](#)

There were 3 speakers on this item.

This Report and Recommendation be Accepted as Amended.

- 4.1 Subject: Major Encroachment Permits at 344 13th Street
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Harrison Menlo Preservation, L.P. To Allow Existing Basement And Structural Sidewalk At 344 13th Street To Encroach Into The Public Right-Of-Way On Webster Street, Major Encroachment Permit ENMJ17058
[17-0157](#)

Attachments: [View Report](#)

[86935 CMS](#)

This City Resolution be Scheduled to go before the *Public Works Committee to be heard 10/10/2017

- 4.2 Subject: Measure To Tax Transportation Network Companies (TNC's) In The City Of Oakland
From: Councilmember Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Proposed Ordinance: (1) To Authorize The City Of Oakland To Collect A Tax On The Provision Of Ride-Share Services/Transportation Network Companies (TNC's); (2) To Authorize The Creation Of A Per-Pickup Charge, And To Adopt A Requirement That Ride-Share Platforms (TNC's) Providing Service In The City Of Oakland Must Collect Such Charge From The Customers And Remit It To The City Of Oakland; And (3) Requiring That Any Intermediary, Including One Who Provides Matching Services Online, Who Collects Funds For The Provision Of Goods Or Services In The City Of Oakland By Its Members/Subscribers (E.G. Drivers, Hosts), Shall Be Jointly And Severally Liable For Any Taxes Owed To The City Of Oakland For Such Goods/Services; And

[17-0148](#)

The Committee approved this item to go before the Finance And Management Committee.

This Ordinance be Scheduled to go before the *Finance & Management Committee to be heard 12/5/2017

2) A Resolution, On The City Council's Own Motion, Submitting This Item To The Voters At The 2018 Election; On The December 5, 2017 Public Works Committee Agenda [17-0149](#)

The Committee approved this item to go before the Finance And Management Committee.

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 12/5/2017

4.3 Subject: Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance To Enact The Uniform Residential Tenant Relocation Ordinance To (1) Establish An Uniform Schedule Of Relocation Payments; (2) To Extend Relocation Payments To Tenants Displaced By Owner Move-In Evictions; (3) To Extend Relocation Payments To Tenants Displaced By Condominium Conversions; And (4) Conform Existing Ellis Act And Code Compliance Relocation Amounts To Those In The Uniform Schedule
[17-0111](#)

Attachments: [View Report](#)
[Supplemental 10/12/17](#)
[View Supplemental 11/08/17](#)
[View Kaplan Supplemental 12/14/17](#)
[View Campbell Wasgington Supplemental 12/14/17](#)
[View Revised 01/05/18](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/24/2017

4.4 Subject: MOU And Infrastructure Funding Agreements
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing Memoranda Of Understanding And Infrastructure Funding Agreements With The America's Job Center Of California Local One-Stop Partners As Required Under The Workforce Innovation And Opportunity Act And Approved By The Oakland Workforce Development Board Without Returning To Council
[17-0112](#)

Attachments: [View Report](#)
[86936 CMS](#)

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

4.5 Subject: Brooklyn Basin Affordable Housing Agreements
From: Housing And Community Development Department
Recommendation: Adopt an Ordinance (1) Authorizing A Master Housing Agreement With The Oakland Housing Authority And Midpen Housing Corporation, Or Affiliated Entities, For Development Of Affordable Housing At Brooklyn Basin, (2) Authorizing Lease Disposition And Development Agreements With Midpen Housing Corporation And The Oakland Housing Authority, Or Affiliated Entities, For The Long-Term Ground Lease Of Parcel F At Brooklyn Basin For The First Phases Of Development, And (3) Making Ceqa Findings For This Action

[17-0150](#)

Attachments: [View Report](#)
[13458 CMS](#)

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

2) A Resolution (1) Authorizing An Unsecured Predevelopment Loan In The Amount Of \$2,067,000 To Midpen Housing Corporation, Or Affiliated Entities, To Support The Development Of Affordable Housing On Parcels A And Ft Brooklyn Basin, (2) Authorizing A Secured Affordable Housing Development Loan In An Amount Not To Exceed \$15,243,000, To Midpen Housing Corporation, Or Affiliated Entities, To Support The Development Of Affordable Housing On Parcel F At Brooklyn Basin, And (3) Making CEQA Findings For This Action

[17-0151](#)

Attachments: [86937 CMS](#)

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

4.6 Subject: Extend Term Of An ENA For Development At 2100 Telegraph Avenue
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing An Amendment To The Exclusive Negotiation Agreement ("Ena") With W/L Telegraph Owner, LLC, Or An Affiliate For Development Of A Mixed-Use Project On Cityowned Property Located At 2100 Telegraph Avenue (Assessor's Parcel Number: 008-0648-016-03) To: (1) Extend The Term By Twelve Months From October 21, 2017 To October 21, 2018, With An Additional Six-Month Administrative Extension Option, And (2) Extend Performance Deadlines, Relying On A CEQA Exemption Pursuant To Sections 15262, 15306 And Section 15061(B)(3) Of The CEQA Guidelines

[17-0152](#)

Attachments: [View Report](#)
[86938 CMS](#)

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

4.7 Subject: Fox Theater Loan Assignment
From: Economic And Workforce Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The Assumption From The Oakland Redevelopment Successor Agency ("ORSA") Of Approximately \$47.5 Million In Loans Made By ORSA To Fox Oakland Theater, Inc., For The Renovation Of The Fox Theater, And Authorizing A Compensation Agreement With ORSA To Pay 30% Of Loan Repayments; And [17-0153](#)

Attachments: [View Report](#)
[86939 CMS](#)

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

2) A Resolution Authorizing The Assignment To The City Of Oakland Of Approximately \$47.5 Million In Loans Made To Fox Oakland Theater, Inc., For Renovation Of The Fox Theater, Contingent On The City Agreeing To Pay 30% Of The Loan Repayments To The Oakland Redevelopment Successor Agency [17-0154](#)

Attachments: [View Report](#)
[2017-008 CMS](#)

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

4.8 Subject: Economic Development Strategy
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Adopting An Economic Development Strategy for 2018-2020 [17-0156](#)

Attachments: [View Report](#)
[Color Copy Strategy](#)
[Color Copy Appendices](#)
[Supplemental 11-03-17](#)
[86984 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 9/26/2017

- 4.7** Subject: Grant Agreement To Administer A Safe Haven Outdoor Navigation Center
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Authorizing The City Administrator To:
1. Enter Into A Grant Agreement With Bay Area Community Services In An Amount Not To Exceed \$200,000 Each Year For Fiscal Year (FY) 2017-2018 And FY 2018-2019 To Provide Housing Navigation Services At An Outdoor Navigation Center Site; And
 2. Enter Into A Grant Agreement With Operation Dignity In An Amount Not To Exceed \$300,000 Each Year For FY 2017-2018 And FY 2018-2019 To Provide Site Management Services At An Outdoor Navigation Center Site; And
 3. Accept And Appropriate Any Funds Or Donations For Outdoor Navigation Centers That May Become Available From Alameda County, The City Of Emeryville, And Any Other Sources Without Returning To Council For The Period Of FY2017-2018 And FY 2018-2019; And
 4. Amend The Above Grant Agreements To Increase The Grant Amounts For Additional Outdoor Navigation Center Services And Efforts Without Returning To Council Within The Grant Term Of FY 2017-2018 And FY 2018- 2019

[17-0158](#)

- Attachments:** [View Report](#)
[View Report Attachment A](#)
[View Report Attachment B](#)
[View Report Attachment C](#)
[View Report Attachment D](#)
[View Report Attachment E](#)
[Supplemental Report 10-20-17](#)
[Supplemental 11-02-17](#)
[86956 CMS](#)

This Report and Recommendation be Scheduled.to go before the *Life Enrichment Committee to be heard 10/24/2017

- 4.8** Subject: Update On State Of The City Report
From: Office Of The Mayor
Recommendation: Receive An Oral Update From Mayor Libby Schaaf Providing A Digest Of The Upcoming State Of The City Address

[17-0144](#)

This Informational Report be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/3/2017

4.9 Subject: Recognizing And Honoring The Oakland Builders Alliance
From: Council President Reid
Recommendation: Adopt A Resolution Recognizing And Honoring The Oakland Builders Alliance On Their 10th Year Anniversary

[17-0145](#)

Attachments: [9-21-17 View Report](#)
[9-29-17 Supplemental](#)
[86909 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 10/3/2017

4.10 Subject: Police Commission Appointments
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Accepting The Selection Panel's Slate Of Four Police Commissioners (Mubarak Ahmad, Jose Dorado, Ginale Harris, Mike Nisperos) And One Alternate (Maureen Benson) To Serve On The City Of Oakland Police Commission

[17-0147](#)

Attachments: [View Report 9-21-17](#)
[View Updated Report 10-5-17](#)
[86945 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 10/3/2017

4.11 Subject: Re- Appointing To The Executive Committee Of The East Bay Economic Development Alliance
From: Council President Reid
Recommendations: Adopt A A Resolution Reappointing Council Member Lynette Gibson McElhaney To The Executive Committee Of The East Bay Economic Development Alliance For A Term Beginning July 1, 2017 And Ending June 30, 2018, And Appointing President Larry Reid As Alternate Member Of The Executive Committee Of The East Bay Economic Development Alliance For A Term Beginning July 1, 2017 And Ending June 30, 2018

[17-0155](#)

Attachments: [9-21-17 View Report](#)
[9-29-17 Supplemental Report](#)
[86912 CMS](#)

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

4.12 Subject: The Research Foundation Of The City University Of New York Grant
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds On Behalf Of The City Of Oakland In The Amount Of One Hundred Forty Thousand Dollars (\$140,000) From The Research Foundation Of The City University Of New York To Fund The Development Of A Framework Of Equity Indicators To Promote Equitable Outcomes For City Of Oakland Residents [TITLE CHANGE]
[17-0160](#)

Attachments: [View Report](#)
[86934 CMS](#)

The Committee approved this item to go before the October 10, 2017 Finance And Management.

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

4.13 Subject: Domestic Violence Awareness Month
From: Vice Mayor Campbell Washington And Councilmembers Kalb And McElhane
Recommendation: Adopt A Resolution Proclaiming October 2017 Domestic Violence Awareness Month In The City Of Oakland
[17-0161](#)

Attachments: [View Report](#)
[9-29-17 Supplemental](#)
[86907 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 10/3/2017

4.14 Subject: Brooklyn Basin Community Facilities District (CFD)
From: Planning And Building
Recommendation: Adopt A Resolution Of Intention On Of The City Of Oakland To: 2017-1 (Brooklyn Basin Pubic Services); Schedule A Public Hearing; Levy A Special Tax To Finance The Maintenance Of Certain Public Improvements; And Approve A Proposed Boundary Map For Community Facilities District No. 2017-1 Pursuant To The Mello-Roos Community Facilities Act Of 1982; And Find Compliance With The California Environmental Quality Act (CEQA), Each As A Separate And Independent Basis, CEQA Guidelines Sections 15162 Subsequent Environmental Impact Reports (EIRS) And Negative Declarations, 15183 Projects Consistent With A Community Plan, General Plan, Or Zoning, 15301 Existing Facilities; And Section 15308 Actions By Regulatory Agencies For Protection Of The Environment
[16-1088](#)

- Attachments:** [View Report](#)
[View Supplemental Report](#)
[9-21-17 Supplemental Report](#)
[9-29-17 Supplemental](#)
[86921 CMS](#)

Staff read a Title Change into record.

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/3/2017

4.15 Subject: Opposition HR 38
From: Councilmembers Brooks, Gallo, And Kaplan
Recommendation: Adopt A Resolution In Opposition Of House Resolution 38, Known As The Concealed Carry Reciprocity Act Of 2017 And S446 Known As The Constitutional Concealed Carry Reciprocity Act Of 2017, Which Would Force Every State To Recognize Concealed Carry Permits By Every Other State, Regardless Of The Permitting Standards, Or Lack Thereof, Of That State.
[17-0146](#)

- Attachments:** [View Report](#)
[86932 CMS](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/5/2017

- 4.16** Subject: Ban On Drilling, Fracking In Waters Off The California Coast
From: Councilmember Kalb
Recommendation: Adopt A Resolution In Support Of (1) A Ban On New Drilling, Fracking, And Other Well Stimulation In Federal And State Waters Off The California Coast, (2) A Ban On New Federal Oil And Gas Leases In The Pacific, Atlantic, Arctic Oceans And The Eastern Gulf Of Mexico-Areas Currently Protected From New Leases; And 3) A Rapid Phase-Out Of All Oil And Gas Extraction Off The California Coast On A Rapid Schedule Sufficient To Respond To The Climate Crisis
[17-0162](#)

Attachments: [View Report](#)
[View Report 10-5-17](#)
[86933 CMS](#)

This City Resolution be Scheduled to go before the *Rules & Legislation Committee to be heard 10/5/2017

CHANGES MADE TO THE SEPTEMBER 26, 2017 LIFE ENRICHMENT COMMITTEE AGENDA

- Subject: Report And Recommendation On Serving The Unsheltered
From: Councilmember McElhaney
Recommendation: Receive A Report And Recommendation Regarding Pilot Programs To Temporarily House The Unsheltered On Identified City Owned Or Controlled Properties That Includes A Cost Analysis And Discussion Of Alternatives That Include Enlisting The Help Of Organizations Such As Feed The People And The Village
[TITLE CHANGE]
[16-1281](#)

Attachments: [View Report](#)
[9-21-17 Supplemental Report](#)

A Title change was read into record, changing it from an "Informational Report" to a "Report and Recommendation".

- 5** A Review Of The Draft Agendas For The City Council Of October 3, 2017 And The Rules And Legislation Committee Of October 5, 2017
[17-0071](#)

Attachments: [View Report](#)

There was 1 speaker on this item.

This Report and Recommendation be Accepted.

Open Forum (Total Time Available: 15 Minutes)

5 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 11:50 a.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.