



City of Oakland

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

Thursday, June 13, 2019

10:45 AM

City Council Chamber, 3rd Floor

The Rules & Legislation Committee convened at 11:16 p.m. with Councilmember Thao presiding as Chairperson.

Roll Call / Call To Order

Excused 1 - Dan Kalb

Present 3 - Rebecca Kaplan, Sheng Thao, and Lynette McElhaney

1 Determinations Of Closed Session

[18-1918](#)

Attachments: [View Report](#)

There will be a Special Closed Session on June 18, 2019 at 2:00 p.m.

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, that this matter be Accepted. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of May 30, 2019

[18-1916](#)

Attachments: [View Report](#)

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, that this matter be Accepted. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items
[18-1917](#)

Attachments: [View Report](#)

A motion was made by Lynette McElhaney, seconded by Sheng Thao, that this matter be Accepted as Amended. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

Subject: Amending The City Council Rules Of Procedures
From: Councilmember Kalb
Recommendation: TITLE CHANGE:

Adopt A Resolution Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution No. 87044 C.M.S., To Amend: (1) The Order Of Business To Have Ceremonial Items Occur After Roll Call And Before Open Forum, (2) Rule 4 To Provide For The Appointment Of A Designated Alternate For The Rules Committee To Maintain A Quorum, (3) Rule 5 To Clarify And Limit The Authority Of Committees, Other Than The Rules Committee, And Committee Chairs To Designate Items As Consent And Non-Consent Items, (4) The Council Meeting Time, Order Of Business, And Rule 7 To Begin Council Meetings At 4:30 P.M. And The Non-Consent Calendar At 5:30 Pm, (5) Rule 7 To Require Action On Consent Items For Which There Is No Council Comment Or Public Speaker Card Prior To Taking Action On Other Consent Items, (6) Rule 18 To Clarify Requirements For The Council To Endorse Or Oppose Ballot Measures Submitted By The Electorate And To Approve Measures On The Council's Own Motion To Be Placed On The Ballot, (7) Rule 19 To Add The Oakland Housing Authority To The List Of Bodies Whose Appointments Must Be Reviewed By The Rules Committee, (8) Rule 23 To Clarify Rules Committee Jurisdiction Over City Proposed Ballot Measures, And (9) Rule 24 To Allow Submission Of Scheduling Requests From The Public Only If Requested In Writing By Ten Members Of The Public Or If Sponsored By A Councilmember
[OLD TITLE]

Adopt A Resolution Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution No. 87044 C.M.S., To Adjust The Order Of Business, Begin Council Meetings At 4:30 PM, Provide For The Appointment Of A Designated Alternate For The Rules Committee, Limit Presentations To Generally 10 Minutes, And Provide Various Other Clarifications And Adjustments; On The February 21, 2019 Rules And Legislation Committee Agenda
[NEW TITLE]
[18-1258](#)

To Be Scheduled to the 2019 Council Retreat

This City Resolution be Scheduled to go before the *Rules & Legislation Committee

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[18-1919](#)

Attachments: [View Report](#)

There were 5 speakers on this item

There was a motion made to change the time to the June 18, 2019 Special Budget Meeting to 5:00 p.m.

A motion was made by Lynette McElhaney, seconded by Rebecca Kaplan, that this matter be Accepted as Amended. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

4.1 Subject: Miles Avenue Curb Zone Change
From: President Pro Tempore Kalb
Recommendations: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Section 10.36.140 To Remove A Street Segment On Miles Avenue From The Established Parking Meter Zones; And
[18-2020](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Public Works Committee to be heard 6/25/2019

2) A Resolution Approving The Establishment Of Four-Hour Parking Limitations On The South Side Of A Segment Of Miles Avenue Between Presley Way And College Avenue
[18-2021](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 6/25/2019

4.2 Subject: Re-Establishing The Cultural Affairs Commission
From: Economic And Workforce Development Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) An Ordinance Amending And Restating Ordinances Nos. 11323 C.M.S. And 11778 C.M.S. To Redefine Duties, Modify Membership And Quorum And Clarify The Appointment Process Of The Cultural Affairs Commission; And [18-1955](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Life Enrichment Committee to be heard 6/25/2019

2) An Ordinance Amending And Restating The Percent For Public Art Ordinance No. 11086 C.M.S. To Clarify The Duties, Membership, And Appointment Of The Public Art Advisory Committee And Its Relationship To The Cultural Affairs Commission, Formerly Known As The Oakland Art Council
[18-1956](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Life Enrichment Committee to be heard 6/25/2019

4.3 Subject: Oakland Fund For Children And Youth Funding Recommendations
From: Council President Kaplan
Recommendation: Approve A Report And Recommendations As Approved By The Oakland Fund For Children And Youth Planning And Oversight Committee, To Allocate Additional OFCY Funds Coming Available As Identified In The Revenue And Expenditure Report, To Fill Need Gaps Identified At The Life Enrichment Committee; On The September 10, 2019 Life Enrichment Committee Agenda
18-2017

This Report and Recommendation be Scheduled.to go before the *Life Enrichment Committee to be heard 9/10/2019

4.4 Subject: Henry J. Kaiser Convention Center - Lease Disposition And Development Agreement
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing: (A) The City Administrator To Negotiate And Execute A Lease Disposition And Development Agreement, Up To Ninety-Nine Year Lease, And Related Documents Between The City Of Oakland And Oakland Civic, LLC, Or Its Affiliate ("Oakland Civic") For The Henry J. Kaiser Convention Center Located At 10 Tenth Street; (B) Establishment Of An Annual Fund To Be Funded By Tenant From Annual Net Project Income For Use By A To-Be-Formed Nonprofit Calvin Simmons Theatre Operator ("Theatre Nonprofit") To Provide Grants Related To Use Of The Calvin Simmons Theatre; (C) A Grant Up To \$100,000 For Subsurface Hazardous Materials Remediation To Oakland Civic, LLC; And (D) A Grant Of \$3,000,000 To The Theatre Nonprofit For Theatre Rehabilitation Costs
[18-1957](#)

Attachments: [View Report](#)

And to be scheduled to the July 9, 2019 Special City Council Agenda as A Public Hearing

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 6/25/2019

4.5 Subject: Authorize An Allocation Of \$20 Million In New Markets Tax Credits
From: Economic Workforce Development Department
Recommendation: Adopt A Resolution Approving An Allocation Of Up To \$20 Million Of New Markets Tax Credits By Oakland Renaissance NMTC, Inc., To ORNMTC 2, LLC, And ORNMTC 4, LLC, Sub-Community Development Entities Affiliated With Oakland Renaissance NMTC, Inc., And To Allocate Said Tax Credits To Orton Development, Inc., And The Oakland Museum Of California, Or Their Respective Affiliates, For The Rehabilitation And Adaptive Reuse Of The Historic Henry J. Kaiser Convention Center And For Accessibility Upgrades And Garden Improvements To The Oakland Museum Of California Campus, And Authorizing The City Administrator To Facilitate Said Allocation(S) Without Returning To Council
[18-1966](#)

Attachments: [View Report](#)

A Title Change was read into record

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 6/25/2019

- 4.6** Subject: OPD Custody Process And Information
Form: Council President Kaplan
Recommendation: Receive An Informational Report And Discussion Around Process Of Taking People Into Custody Including Overview Of OPD's Practices, Number Of People Taken In, And Policy Ideas And Goals To Reduce The Number Of Those Taken Into Custody With Measurable Benchmarks; On The June 25, 2019 Public Safety Committee Agenda
18-2016

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 9/24/2019

- 4.7** Subject: Amendments To The Police Commission Enabling Ordinance
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.45, The Enabling Ordinance For The Oakland Police Commission And Community Police Review Agency, To Establish Authorization And Compliance Requirements For The Police Commission To Purchase Professional Services Necessary To Fulfill Their Duties As Defined In Charter Section 604 In Compliance With The Provisions Of Oakland Municipal Code Section 2.04.022 And Other Purchasing Requirements As Specified Therein
[18-2018](#)

Attachments: [View Report](#)

A Title Change was read into record

This Ordinance be Scheduled.to go before the *Public Safety Committee to be heard 6/25/2019

- 4.8** Subject: Redistricting Selection Panel Regulations
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Approving Regulations Establishing Minimum Standards For Outreach Efforts To Recruit A Robust Pool Of Applicants For The Screening Panel For The Independent Redistricting Commission
[18-2012](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 6/27/2019

4.9 Subject: Potential Ballot Measures For The March 3, 2020 Election
 From: Council President Kaplan
 Recommendation: Receive An Informational Report And Discussion Of Potential Ballot Measures For The March 3, 2020 Election, Including, But Not Limited To, A Potential Park, Open Space, Fire Safety Measure, As A Special Parcel Tax, And A Police Commission Charter Change
[18-2015](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Rules & Legislation Committee to be heard 6/27/2019

4.10 Subject: OPD Probation And Parole Search Policy
 From: Oakland Police Department
 Recommendation: Adopt A Resolution Regarding Oakland Police Department General Order R-02, Searches Of Individuals On Supervised Release; On The July 9, 2019 Special City Council Agenda
18-2013

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 7/9/2019

DUE TO THE PRESENCE OF COUNCILMEMBER BAS AND GALLO A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES AND LEGISLATION COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:44 P.M.

4.11 Subject: Temporary Closure Of The 600-700 Block Of 37th Avenue
 From: Councilmember Gallo
 Recommendation:

OLD TITLE

Adopt A Resolution Using The Authority Granted Under California Vehicle Code Section 21101.4, To Authorize The Closure Of The 600-700 Block Of 37th Avenue Due To Serious And Continual Criminal Activity And Serious And Continual Illegal Dumping;

NEW TITLE

Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Temporarily Close The 600-700 Block Of 37th Avenue Due To Serious And Continual Criminal Activity And Illegal Dumping For A Period Of Eighteen Months; On The July 9, 2019 Special City Council Agenda As A Non-Consent Item

18-2019

The Committee requested that this item be brought back to the next rules for Scheduling

This City Resolution be No Action Taken.

4.12 Subject: 2019/20 Consolidated Annual Action Plan
From: Housing And Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution: 1) Amending Resolution No. _____, Which (1) Authorized The City To Submit An Annual Action Plan To The U.S. Department Of Housing And Urban Development The Fiscal Year 2019-2020 Consolidated Annual Action Plan, 2) Accepted And Appropriated Anticipated U.S. Department Of Housing And Urban Development Grant Funds, (3) Authorized The City To Enter Into Community Development Block Grant Agreement, Appropriated Revolving Fund Program Income, And (4) Authorized The Use Of General Purpose Funds To Pay Central Service Overhead Charges For The Administration Of Specified Grant Funds, To Correct The Amount Of Grant Funds Allocated To The Oakland Public Works Capital Improvement Projects At Redwood Heights Recreation Center, Carmen Flores At Josie De La Cruz Park, And Allendale Park; And 2) Authorizing The City Administrator To Submit An Amended Fiscal Year 2019-2020 Consolidated Annual Action Plan To The United States Department Of Housing And Urban Development; And

18-2022

To be scheduled as a Public Hearing

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 7/9/2019

2) A Resolution Amending Resolution No. _____, Which (1) Authorized The Use Of Surplus Community Development Block Grant Funds And Revolving Loan Program Income For Fiscal Year 2019-2020 And Fiscal Year 2020-2021 Programs, (2) Authorized The Use Of Surplus Housing Opportunities For Persons With AIDS Grant Funds To Increase An Existing Grant Agreement With Contra Costa County, (3) Reinstated Previously Approved Community Development Block Grant Funds For The Bus Rapid Transit/Business Mitigations Assistance Program, (4) Allocated Economic Development Initiative Funds To The City Commercial Lending Program, To Correct The Amount Of Grant Funds Allocated To The Oakland Public Works Capital Improvement Projects At Redwood Heights Recreation Center, Carmen Flores At Josie De La Cruz Park, And Allendale Park; On The July 9, 2019 Special City Council Agenda As A Public Hearing

18-2023

To be scheduled as a Public Hearing

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 7/9/2019

4.13 Subject: Honoring Gay Plair Cobb
 From: Councilmember Gallo And McElhaney
 Recommendation: Adopt A Resolution Honoring Gay Plair Cobb Who has Been A Social Justice Advocate For Over 35 Years; On The July 16, 2019 City Council Agenda As A Ceremonial Item
18-2014

To be scheduled as a Ceremonial Item

Councilmember McElhaney requested to be added as a Co-Sponsor

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 7/16/2019

CHANGES TO THE PREVIOUSLY DISTRIBUTED 10 DAY AGENDAS

CHANGES TO THE JUNE 20, 2019 RULES AND LEGISLATION COMMITTEE AGENDA

Subject: Denouncing The Attack On Women’s Reproductive Rights
 From: Councilmember Thao And Bas
 Recommendation: Adopt A Resolution: (1) Denouncing The Recent Actions Of The States Of Alabama, Arkansas, Montana, Mississippi, Ohio, Texas, And Utah For Their Renewed Attacks On Women’s Reproductive Rights And (2) Call For The Oakland Community To Support Local Reproductive Justice Orgianizations In The Formentioned States
[18-1980](#)

Attachments: [View Report](#)

This City Resolution be Withdrawn with No New Date.

5 A Review Of The Council Committees' Actions From The Meetings Of June 11, 2019 And Determination Of Scheduling To The City Council Meeting Of June 18, 2019
[18-1920](#)

Attachments: [View Report](#)

There was 1 speaker on this item

A motion was made by Lynette McElhaney, seconded by Rebecca Kaplan, that this matter be Accepted as Amended. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

CHANGES TO THE JUNE 11, 2019 MATRIX

CHANGES TO THE PUBLIC SAFETY COMMITTEE OF JUNE 11, 2019

Subject: Oakland Unite Violence Prevention Funding Recommendations
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1. Execute Grant Agreements With Non-Profits And Public Agencies To Provide Violence Intervention Services In Accordance With The 2014 Oakland Public Safety And Services Violence Prevention Act For The Period July 1, 2019 To June 30, 2020 In A Total Amount Not To Exceed \$8,605,000, With A One-Year Option To Renew Through June 30, 2021 Pending Council Approval; And 2. Enter Into An Agreement With Alameda County Probation Department To Accept And Appropriate Up To \$100,000 Annually From A Second Chance Act Grant To Pilot A Juvenile Gang Intervention Program From July 1, 2019 To October 31, 2022
[18-1788](#)

- Attachments:** [View Report](#)
[View Color Attachment](#)
[View Supplemental Report 6/7/2019](#)
[View Supplemental Report 6/14/2019](#)

- 6** A Review Of The Draft Agendas For The Council Committee Meetings Of June 25, 2019 And The Rules And Legislation Committee Of June 27, 2019
[18-1921](#)

Attachments: [View Report](#)

There was 2 speakers on this item

A LACK OF A QUORUM WAS NOTED AT 12:48 P.M. AND NO ACTION COULD BE TAKEN ON ANY ITEM 6 ON THE AGENDA.

This Report and Recommendation be Accepted.

CHANGES TO THE JUNE 24, 2019, JUNE 25, 2019 AND JUNE 27, 2019 DRAFT AGENDAS

Changes to the June 25, 2019 Public Works Committee

Subject: Expand Residential Permit Parking Areas "G" and "N"
From: Transportation Department
Recommendation: Adopt A Resolution Expanding Residential Parking Permit Areas "G" And "N" At The Following Street Segments: A. Santa Clara Ave Between Kempton Way And Macarthur Boulevard, East Side; B. West Between 42nd Street And 43rd Street C. 43rd Street Between West And MLK
[18-1948](#)

Attachments: [View Report](#)
[View Supplemental Report - Kalb](#)

There was a Title Change read into record

This City Resolution be Scheduled to go before the *Public Works Committee to be heard 6/25/2019

Changes to the June 25, 2019 Community And Economic Development Committee

Subject: Authorization Of A DDA For The Sale Of 2100 Telegraph Avenue
From: Economic Workforce And Development
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute A Disposition And Development Agreement ("DDA") And Related Documents Between The City Of Oakland And W/L Telegraph Owner, LLC Or A Related Entity Or Affiliate ("Developer") In A Form And Content Substantially In Conformance With The Terms Described In The Agenda Packet
[18-1962](#)

Attachments: [View Report](#)

A Title Change was read into record

This Ordinance be Accepted.

Subject: Purchase Of 2327 San Pablo Avenue SRO For Transitional Housing
Form: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance Authorizing The Purchase Of A 24-Unit Single Room Occupancy Residential Hotel Located At 2327 San Pablo Avenue For A Maximum Of \$3,100,000 For Use As Transitional Housing, And Allocating An Additional Amount Not To Exceed \$50,000 For Associated Closing Costs And Fees, And Making California Environmental Quality Act Findings
[18-1963](#)

Attachments: [View Report](#)

There was a Title Change read into record

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 6/25/2019

Changes to the June 25, 2019 Public Safety Committee

Subject: Face Recognition Technology
From: Council President Kaplan
Recommendation: Adopt Ordinance Amending Oakland Municipal Code Chapter 9.64 To Prohibit The City Of Oakland From Acquiring And/Or Using Face Recognition Technology
[18-1891](#)

Attachments: [View Report](#)

A Title Change was read into record

This Ordinance be Accepted.

Open Forum (Total Time Available: 15 Minutes)

4 speakers spoke during Open Forum.

Adjournment

There being no further business, and upon the motion duly made, the Rules & Legislation Committee adjourned the meeting at 1:02 p.m.

Americans With Disabilities Act

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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.**