



City of Oakland

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Oakland, California 94612
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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, March 10, 2016

10:45 AM

City Council Chamber, 3rd Floor

*The Oakland City Council Rules & Legislation Committee convened at 10:55 a.m.,
with Councilmember 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

[15-0670](#)

Attachments: [View Report](#)

Special Closed Session has been scheduled to 3:00 p.m. on March 15, 2016.

A motion was made by Guillén, seconded by Kalb, 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 25, 2016

[15-0669](#)

Attachments: [View Report](#)

A motion was made by Reid, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

3 Determination Of Schedule Of Outstanding Committee Items

[15-0671](#)

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: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[15-0672](#)

Attachments: [View Report](#)

A motion was made by Kalb, seconded by Reid, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

- 4.1 Subject: Amendment To Ordinance No. 12187 C.M.S. (The Salary Ordinance)
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Early Head Start Instructor; Add The Full-Time, Permanent Part-Time, And Part-Time Equivalents Of The New Head Start/Early Head Start Substitute Associate Instructor Classification; Add The Part-Time Equivalent Food Service Worker, PT Classification; And Adjust The Title Of Early Childhood Instructor To Head Start Instructor
[15-0757](#)

This Ordinance was Scheduled.to the *Finance & Management Committee to be heard 3/22/2016

- 4.2 Subject: FY 2016-17 Landscaping And Lighting Assessment District
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Initiating The Fiscal Year (Fy) 2016-17 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District And Authorizing The City Administrator Or Designee To Order A Preliminary Engineer's Report Pursuant To The California Streets And Highways Code
[15-0758](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 3/22/2016

- 4.3 Subject: Equal Access Annual Compliance Report
From: Human Resources Management Department
Recommendation: Recieve The Equal Access Annual Compliance Report For Fiscal Year 2014-2015
[15-0759](#)

This Informational Report was Scheduled.to the *Finance & Management Committee to be heard 3/22/2016

- 4.4** Subject: Increasing The Rent Program Service Fee
From: Housing and Community Development Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Amendment To Ordinance No. 13320 C.M.S., The Master Fee Schedule, To Increase The Rent Program Service Fee From \$30 Dollars Per Unit To \$72 Per Unit
[15-0261](#)

Attachments: [View Report](#)

This Ordinance was No Action Taken.

- 4.5** Subject: Potential Infrastructure Bond Measure
From: Office Of The City Administrator
Recommendation: Receive Two Informational Presentations Regarding A Potential November 2016 Infrastructure Bond Measure
[15-0773](#)

This Informational Report was Scheduled.to the *Finance & Management and Public Works Committees to be heard 3/22/2016

- 4.6** Subject: Recommendations To Reinstate Bus Stop At Broadway/30th Street
From: Councilmember Kaplan
Recommendation: (1) Receive An Informational Update From Staff On The Status Of The Broadway/30th Street Bus Stop, Including What Steps Are Needed To Re-Instate A Bus Stop By That Corner, And To Also Include Status Of Any Funding Commitments; And (2) Options For Action To Re-Instate The Bus Stop, Including Council Directive That It Is NOT The Policy Of The City Of Oakland To Remove That Stop; On The April 12, 2016 Public Works Committee Agenda
[15-0772](#)

This Report and Recommendation was Scheduled.to the *Public Works Committee to be heard 4/12/2016

4.7 Subject: Citywide Impact Fees Adoption
From: Planning And Building Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance (1) Amending The Oakland Municipal Code To Establish City-Wide Affordable Housing Impact Fees And Make Related And Conforming Amendments, Including Minor Amendments For Consistency Purposes To The Jobs-Housing Impact Fee Codified In OMC Chapter 15.68, (2) Amending The Master Fee Schedule (Ordinance No. 13320, C.M.S., As Amended) To Include The Affordable Housing Impact Fees, And (3) Adopting CEQA Exemption Findings; And [15-0754](#)

- Attachments:** [Attachment A, January 26, 2016 CED Agenda Report](#)
[Attachment B, February 9, 2016 CED Agenda Report, Supplemental Report](#)
[Attachment C, February 9, 2016 Memo, Motion to Adopt from four Council Members](#)
[Attachment D, Oakland Afford Housing Impact Fee Nexus Analysis](#)
[Attachment E, Oakland Transportation and Cap Imp Impact Fee Nexus Analysis](#)
[Attachment F, Target Impact Fees with Maximum Legal Impact Fees Tables](#)
[Attachment G, Map of Impact Fee Zones for Residential Projects, smaller size](#)
[Attachment H, EBHO On-Site Proposal](#)
[Attachment I, Development Impact Fees Administrative Program Cost Analysis](#)
[Attachment J, Oakland Impact Fee Program CEQA Compliance](#)

This Ordinance was Scheduled.to the *Community & Economic Development Committee to be heard 3/22/2016 and as a Public Hearing on 4/19/2016

2) An Ordinance (1) Amending The Oakland Municipal Code To Establish City-Wide Transportation And Capital Improvements Impact Fees And Make Related And Conforming Amendments, (2) Amending The Master Fee Schedule (Ordinance No. 13320, C.M.S., As Amended) To Include The Transportation And Capital Improvements Impact Fees, And (3) Adopting CEQA Exemption Findings [15-0755](#)

4.8 Subject: NOFA Housing Policy Recommendations
From: Housing And Community Development Department
Recommendation: Receive A Report On The Housing Program And Policy Recommendations Associated With The Affordable Housing NOFA And Adopt The Following Pieces Of Legislation:
[15-0551](#)

This Informational Report was Scheduled.to the *Community & Economic Development Committee to be heard 3/22/2016

1) An Ordinance Amending Chapter 15.68 Of The Oakland Municipal Code To (1) Allow Affordable Housing Trust Funds From Funds Distributed To The City Under Redevelopment Dissolution Laws To Be Used For Ownership Housing And Mortgage Assistance To Households With Incomes Up To 150% Of Area Median Income, And (2) Allow The Use Of Affordable Housing Trust Funds To Preserve Affordable Housing That Is At Imminent Risk Of Loss Due To Tax Defaults, Rent Increases, Demolition, Or Conversion To Other Uses; And

[15-0768](#)

2) A Resolution Amending Resolution Nos. 81961 And 82989 C.M.S. To Increase Income Limits For Households Participating In The First-Time Homebuyer Mortgage Assistance Program From 100% Of Area Median Income To 150% Of Area Median Income, And Modify The Corresponding Calculation For The Purchase Price Limit, And Authorizing The Transfer Of \$1,000,000 To The Program From The Affordable Housing Trust Fund; And

[15-0769](#)

3) A Resolution Establishing An Affordable Housing Acquisition, Rehabilitation, And Preservation Program, Allocating \$1,800,000 From The Affordable Housing Trust Fund To The Program, And Authorizing The City Administrator To Fund Affordable Housing Acquisition, Rehabilitation, And Preservation Loans Under The Program Without Returning To Council; And

[15-0770](#)

4) A Resolution Establishing An Affordable Housing Multifamily Emergency Repair Program, Allocating \$600,000 From The Affordable Housing Trust Fund To The Program, And Authorizing The City Administrator To Fund Affordable Housing Multifamily Emergency Repair Loans Under The Program Without Returning To Council

[15-0771](#)

4.9 Subject: NOFA Housing Funding
From: Housing & Community Development Department
Recommendation: Receive A Report On The Recommendations Pertaining To Loans, Grants And Loan Modifications And Adopt The Following Pieces Of Legislation:

1) A Resolution Appropriating \$2,521,517 From Fund Balance In The Low And Moderate Income Housing Asset Fund For Housing Development Activities; And

[15-0545](#)

This City Resolution was Scheduled to the *Community & Economic Development Committee to be heard 3/22/2016

2) A Resolution Authorizing Affordable Housing Development Loans To The Fruitvale Transit Village Phase II, Redwood Hill Townhomes, Camino 23, 3706 San Pablo Avenue, Coliseum Place, And Embark Apartments Affordable Housing Projects As Affordable Housing Funds Become Available In A Total Amount Not To Exceed \$ \$4,013,851 Without Returning To Council; And

[15-0546](#)

3) A Resolution Authorizing The Transfer Of \$71,881 In Funds For The Housing Predevelopment Revolving Loan And Grant Program; And

[15-0547](#)

4) A Resolution Amending Resolution No. 85410 C.M.S. Which Authorized A \$2,000,000 Affordable Housing Preservation And Rehabilitation Loan To Community Housing Development Corporation And Dignity Housing West, Inc., For Harp Plaza Apartments Located At 430 28th Street, To Change The Source Of \$750,000 In Project Funding From HUD Funds To The Low And Moderate Income Housing Asset Fund; And

[15-0548](#)

5) A Resolution Amending Existing Affordable Housing Loans To The Madrone Hotel Project At 477 8th Street To Extend The Loan Maturity Dates To March 1, 2071, And Reduce The Interest Rate To Three Percent; And

[15-0549](#)

6) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development In An Amount Not To Exceed \$160 Million Under The 2015-16 Affordable Housing And Sustainable Communities Program, And Authorizing The City Administrator To Allocate Such Funds To Eligible Projects Without Returning To The City Council

[15-0550](#)

4.10 Subject: Emergency Solutions Grant Sunset/EOCP/St. Mary's Center
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Appropriate Emergency Solutions Grant (ESG) Funds From 1997 Through 2010 In The Amount Of \$184,008.16 Into The Fiscal Year (Fy) 2010 Award, To Be Called FY2010 Sunset Cleanup, To Be Spent On FY 2015-2016 Shelter Operations Expenses; 2) Amend The Existing Grant Agreement With East Oakland Community Project (EOCP) To Increase The Grant In FY 2015-2016 By Up To \$301,663 For Shelter Operations Expenses, Reunification Services, Hotel Vouchers For Homeless Families, And Mortgage Costs; And 3. Amend The Existing Grant Agreement With St. Mary's Center To Increase The Grant By Up To \$34,008.16 For Shelter Operations Expenses
[15-0760](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Life Enrichment Committee to be heard 3/22/2016

4.11 Subject: UASI FY 2014 Purchases Over \$100,000
From: Oakland Fire Department
Recommendation: Receive An Informational Report From The Emergency Management Services Division (EMSD) Regarding Urban Area Security Initiative (UASI) Fiscal Year (FY) 2014 Purchases Over \$100,000.00
[15-0762](#)

Attachments: [View Report](#)

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

Subject: Purchase Of Additional Body Worn Cameras
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Purchase: (A) Body Worn Cameras For Forty-Five Thousand Dollars (\$45,000) And Hardware For Eighteen Thousand Five-Hundred Dollars (\$18,500), For A Total Cost Not To Exceed Sixty Three Thousand Five Hundred Dollars (\$63,500) From Adamson Police Products; And (B) Technical Support For Two Hundred Thousand Dollars (\$200,000) From VIEVU; And 2) Waiving The City's Advertising/Bidding And Request For Proposal Requirements For The Proposed Purchases
[15-0763](#)

Attachments: [View Report](#)

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

4.13 Subject: West Oakland Street Outreach Services
From: Human Services Department/Oakland Unite
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Grant Agreement With Building Opportunities For Self-Sufficiency To Provide West Oakland Street Outreach Services In Accordance With The 2014 Oakland Public Safety And Services Violence Prevention Act (Measure Z) For The Period Of April 1, 2016 To June 30, 2017 In An Amount Not To Exceed \$406,250, With A One-Year Option To Renew Through June 30, 2018 Pending Council Approval
[15-0764](#)

Attachments: [View Report](#)

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

4.14 Subject: Violence Prevention Relocation Program
From: Human Services Department/Oakland Unite
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding With Alameda County Probation Department Establishing A Violence Prevention Relocation Program To Facilitate Coordinated Implementation Of Emergency Relocation Services For Witnesses And Victims Of Violent Crime
[15-0765](#)

Attachments: [View Report](#)

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

4.15 Subject: Juvenile Justice Center (JJC) Transition Center (TC) MOU
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding With Alameda County, Oakland Unified School District, And Alameda County Office Of Education To Delineate Partner Roles And Ongoing Coordination Of Efforts At The Alameda County Juvenile Justice Center Transition Center
[15-0766](#)

Attachments: [View Report](#)

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

4.16 Subject: Housing For Educators In The City Of Oakland
From: Vice Mayor Annie Campbell Washington
Recommendation: Adopt A Resolution Supporting The Development Of Housing For Educators In The City Of Oakland; On The April 5, 2016 City Council Agenda
[15-0761](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

4.17 Subject: Settlement Agreement - Grievance Of SEIU, Local 1021
From: Office of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Grievance Of SEIU, Local 1021 V. City Of Oakland C.S.M.C.S, Case No. ARB-14-0072, City Attorney's File No. X04056, In The Amount Of Forty-Five Thousand Dollars And Zero Cents (\$45,000.00) (City Administrator's Office); On The April 5, 2016 City Council Agenda As A Consent Item
[15-0767](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

Items Submitted On The Dais

Subject: Establishing Policy Regarding Permit Applications For Transient Habitation
From: Councilmembers Guillen And Kalb
Recommendation: Adopt A Resolution To Issue An Official Statement Of Policy Related To Implementing Oakland Municipal Code Section 5.92.050(F) And Oakland Planning Code Section 17.103.050 Regarding Conditional Use Permit Applications For Transient Habitation Development And Operation
[15-0756](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 4/26/2016

Subject: Status Report On Sharks Oakland Ice Center
From: Vice Mayor Campbell Washington
Recommendation: Receive An Informational Report On The Status Of Sharks Oakland Ice Center
[15-0775](#)

Attachments: [View Report](#)

This Informational Report was Scheduled.to the *Life Enrichment Committee to be heard 3/22/2016

Subject: Moratorium On Evictions And Rent Increases
From: Members Of The Public
Recommendation: Adopt An Unurgency Measure Adopting An Interim Ordinance Pursuant To Government Code Section 65858 Imposing A Moratorium On Certain Residential Rent Increases And On Evictions From All Residential Rental Units Except For Just Cause Evictions
[15-0776](#)

This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

Subject: Quarterly Report Regarding Police Training, Policy & Accountability
From: Office Of The City Attorney & Oakland Police Department
Recommendation: Receive A Quarterly Informational Report To The City Council From The Office Of The City Attorney And Police Department Regarding Police Training, Policy And Accountability To Provide: 1) The Following Information Regarding Arbitration Decisions Issued During The Preceding Quarter - The Primary Rule Violation(s) At Issue, The Date Of The Arbitration Decision, The Discipline The City Imposed And The Arbitrator's Finding Regarding The Level Of Discipline; 2) A Status Report On The Progress Of Updating OPD's Policy Manual; 3) A Report Regarding Training(s) That Have Been Conducted For Internal Affairs Division And Skelly Hearing Officers, Including The Training Subject Matter, The Group(s) Assigned To Attend The Training, The Persons Assigned To Conduct The Training And The Training Date(s); And 4) Changes To OPD Personnel Policies, Including A Description Of The Policy At Issue, An Explanation Of The Changes, The Effective Date Of The Changes And A Description Of How The Change Will Be Implemented And/Or Disseminated

[15-0777](#)

This item will be heard quarterly at City Council on the third Tuesdays of July, October, January and April of each year thereafter.

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 5/17/2016

From The Community & Economic Development Committee Pending List:

Subject: Amend Composition And Functions Of The Rent Board
From: Vice Mayor Rebecca Kaplan
Recommendation: Adopt An Ordinance Amending Chapter 8.22 (Rent Adjustment Program) Of The Oakland Municipal Code To: (1) Increase The Number Of Alternate Board Members; (2) Change The Length Of The Board Member Holdover Period; And (3) Authorize More Cases Be Heard By Board Appeals Panels [TITLE CHANGE]

[15-0434](#)

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

This Ordinance was Scheduled.to the *Community & Economic Development Committee to be heard 4/26/2016

- 5 A Review Of The Council Committees' Actions From March 8, 2016 And Determination Of Scheduling To The City Council Meeting Of March 15, 2016 (MATRIX)
[15-0675](#)

Attachments: [View Report](#)

The regularly scheduled City Council meeting on March 15, 2016 has been cancelled. A Special City Council meeting has been scheduled for 5:00 p.m. on March 15, 21016.

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of March 22, 2016 And The Rules And Legislation Committee Of March 24, 2016
[15-0673](#)

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: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

From The March 22, 2016 Finance Committee Agenda:

Subject: Procurement Processes

From:

Recommendation: Receive An Informational Report On The City's Procurement Processes

[15-0748](#)

This City Resolution was * Withdrawn and Rescheduled.to the *Finance & Management Committee to be heard 4/26/2016

From The March 22, 2016 Public Safety Committee:

Subject: City Attorney Accountability In Police Discipline Cases
From: Councilmember Desley Brook
Recommendation: Receive An Informational Report And Overview, Monthly, From The Office Of The City Attorney To The Public Safety Committee Regarding Oakland Police Department's Arbitration Process. Said Report Shall Include: 1) A List Of Pending Arbitration; All Completed Arbitration- With Date Of Arbitration, Discipline Requested By The City, Discipline Ultimately Imposed By The Arbitrator, And An Analysis Of Any Proposed Changes Which Might Impact The Outcome Of Said Arbitration; And 2) Oakland Police Department And The Office Of The City Attorney Shall Provide Monthly A Comprehensive List Of Any Outdated OPD Or City Rules And/Or Policies That May Undermine The Disciplinary Process, A Timeline For Proposed Amendments To Each Rule And/Or Policy, And Upon Completion Of Said Amendment Presentation To The Public Safety Committee; And 3) The City Attorney Shall Provide A Monthly Status Report On The Updating Of OPD's Policy Manual And Identify Any Meet And Confer Requirements For The Same; And 4) The Office Of The City Attorney Shall Establish A Quarterly Training Module For All Internal Affairs Division And Skelly Hearing Officers.

[15-0622](#)

This Informational Report was * Withdrawn and Rescheduled to the *Public Safety Committee to be heard 4/12/2016

- 7 The March 3, 2016 Rules and Legislation meeting rescheduled this item to the March 17, 2016 Rules & Legislation Committee agenda.**

Open Forum (Total Time Available: 15 Minutes)

There were 2 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 11:45 a.m.

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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.