



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 - FINAL *Rules & Legislation Committee

*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, July 19, 2018

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

*The Oakland City Council Rules and Legislation Committee convened at 11:16 a.m.,
with Council President Reid presiding as Chairperson.*

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

COMMITTEE MEMBERSHIP:

1 Determinations Of Closed Session

[18-0751](#)

Attachments: [View Report](#)

*There will be a Special Closed Session on Tuesday, July 24, 2018 at 12:00 p.m.
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

2 Approval Of The Draft Minutes From The Committee Meeting Of June 28, 2018

[18-0710](#)

Attachments: [View Report](#)

**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

3 Determination Of Schedule Of Outstanding Committee Items
[18-0752](#)

Attachments: [View Report](#)

There were 5 sperakers on this item

President ProTem Guillen made a motion, seconded by Vice Mayor Campbell Washington to schedule the vacant land tax to the July 24, 2018 City Council Meeting

A motion was made that this matter be Accepted. The motion carried by the following vote:

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

NO VOTE: 0

Subject: Proposed Ballot Measure To Tax Vacant Properties
From: Councilmember Kaplan, Kalb And President Pro Tem Guillen
Recommendation: Adopt An Resolution On The City Council's Own Motion Submitting To The Voters At The General Municipal Election On November 6, 2018, A Proposed Ordinance To Adopt A Special Parcel Tax On Vacant Properties To Fund Solutions For Homelessness, Illegal Dumping Remediation, And Specified Programs; And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 6, 2018 General Municipal Election

[17-0453](#)

Attachments: [View Report](#)

[View Report](#)

[View Kaplan Report 3/29/18](#)

[View Kaplan Report 4/13/18](#)

[View Supplemental Report 5-11-218](#)

[View Kaplan Supplemental Report 5-18-2018](#)

[View Revised Report 7-20-2018](#)

[87319 CMS](#)

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Scheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 7/24/2018. The motion carried by the following vote:

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

NO VOTE: 0

2) A Resolution, On The City Council's Own Motion, Submitting This Item To The Voters At The 2018 Election

[17-0454](#)

A motion was made that this matter be Scheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 7/24/2018. The motion carried by the following vote:

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

NO VOTE: 0

DUE TO THE PRESENCE OF COUNCILMEMBER KAPLAN , 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 11:23 A.M.

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)

[18-0753](#)

Attachments: [View Report](#)

[View Report](#)

There were 50 speakers on this item

This Report and Recommendation be Accepted.

4.1 Subject: Pilot Program To Remove Vehicles Of Certain Crimes
From: Council President Pro Tempore Guillén
Recommendation: Adopt An Ordinance Implementing 24-Month Pilot Program Allowing Law Enforcement Officers In The City Of Oakland To Remove A Vehicle Used In The Commission, Or Attempted Commission, Of Certain Crimes, Including Solicitation Of Prostitution, As Authorized By California Vehicle Code Section 22659.6

[18-0781](#)

Add Councilmember Gallo and Vice Mayor Campbell Washington

This Ordinance be Scheduled to go before the *Public Safety Committee to be heard 9/11/2018

- 4.2 2) A Resolution, Pursuant To An Initiative Petition, Submitting To The Qualified Electors At The November 6, 2018 General Municipal Election A Proposed Amendment To The Charter Of The City Of Oakland Creating The “Children’s Initiative Of 2018” And Approving A Parcel Tax To Fund Early Childhood Education And College Readiness Programs; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities
[18-0778](#)

Attachments: [View Report](#)
[87288 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

- 4.3 Subject: Verified Residents Circulation Of Petitions 2018
From: Office Of The City Clerk
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Pursuant To An Initiative Petition, Submitting To The Electors At The November 6, 2018 General Municipal Election A Proposed Ordinance And Amendments To The Oakland Municipal Code “Creating Workplace Protections And A Minimum Wage For Hotel Employees, Modifying How Oakland’s Local Employment Standards Are Enforced, And Creating A Department Of Workplace And Employment Standards”; Requesting That The Election Be Consolidated With The Statewide General Election; Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication; And Authorizing Certain Other Election Activities; And
[18-0779](#)

Attachments: [View Report](#)
[87287 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

- 4.4** Subject: Building And Fire Permits For Equity And General Cannabis Applicants
From: Councilmember President Reid
Recommendation: Adopt A Resolution Declaring A State Of Emergency Due To Lack Of Time For Oakland’s 296 Existing Operating Licensed Cannabis Businesses And Approximately 400 Other Existing Pre-Operational Cannabis Applicants, To Be Fully Plan Checked And Inspected By Both The Building Department And The Fire Department Prior To The January 1, 2019 State Cannabis Licensing Deadline; And Due To This Emergency, Authorizing The City Administrator, To Expedite And Prioritize Permit Processing For Both Equity And General Cannabis Business Applicants; On The July, 24, 2018 Special City Council Agenda
[18-0780](#)

This City Resolution be Withdrawn with No New Date.

- 4.5** Subject: Defining “People Of Color”.
From: Member Of The Public
Recommendation: Receive A Report From The City Administrator Defining “People Of Color”. Report Should Include A Breakdown Of Services Rendered To Each CULTURE Including African American People; As Soon As Possible On The City Council Agenda
[18-0776](#)

This item will be sent to the department of race and equity

This Informational Report be Withdrawn with No New Date.

- 4.6** Subject: Travel Authorization
From: Councilmember Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Authorizing Vice Mayor Annie Campbell Washington And Councilmember Abel Guillen To Travel To Long Beach, California To Attend The 2018 Annual League Of California Cities Conference From September 12-14, 2018, And Be Reimbursed For Necessary Expenses
[18-0774](#)

Attachments: [View Report](#)

[87289 CMS](#)

A new Resolution will be provided that includes President Pro Tem Guillen's name

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

- 4.7 Subject: Resolution Outlining Transportation Network Company Agreement Terms
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Outlining Terms For Pilot Program For Transportation Network Company Agreement In The City Of Oakland
[18-0775](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/11/2018

- 4.8 Subject: Status Report of City Owned Parks In Council District 7
From: Council President Reid
Recommendation: Receive An Informational Report On The Status of City Owned Parks In District 7 And An Update On Action Taken To Rectify Issues Of Concern That The Oakland Parks And Recreation Foundation Survey Highlighted In The 2016 Community Report Card On The State Of Maintenance Of Oakland Parks; On The September 25, 2018, Public Works Committee Agenda
[18-0777](#)

This Informational Report be Withdrawn with No New Date.

- 4.9 Subject: Resolution To Ease Increased Housing
From: Councilmember Kaplan
Recommendation: Adopt A Resolution To Ease The Process For Adding Specified Housing To Increase Affordable Housing Supply In Oakland, To (1) Allow For Increased Housing Units In Specified Transit-Oriented Locations When Affordable Housing Specifications Are Met, And (2) Shorten And Simplify Process For Accessory Dwelling Units; On The September 25, 2018, Community And Economic Development Committee Agenda
[18-0783](#)

This City Resolution be No Action Taken.

- 4.10 Subject: Informational Report On Different Homeless Services And Programs
From: Councilmember Kaplan
Recommendation: Receive An Informational Report Responding To Resolution No. 87129-C.M.S. Requesting Information Concerning A Number Of Different Homeless Services And Programs

[TITLE CHANGE]
[18-0782](#)

Attachments: [View Report](#)

[View Supplemental Report 9-7-2018](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 9/11/2018

- 4.11 Subject: Cellular Site Simulator Annual Usage Report
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Oakland Police Department With Information Regarding Usage of Cellular Site Simulator (CSS) Technology for 2017
[18-0470](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 9/11/2018

Items Submitted on the Dais

- Subject: Support Of The California Affordable Housing Act
From: Alliance of Californians For Community Empowerment
Recommendation: Adopt A Resolution In Support Of The California Affordable Housing Act
[18-0784](#)

As a consent item

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

COUNCIL PRESIDENT REID RELINQUISHED THE CHAIR AT 12:24 P.M AND PRESIDENT PRO TEMPORE GUILLEN PRESIDED AS CHAIRPERSON.

- 5 A Review Of The Council Committees' Actions From July 17, 2018 And Determination Of Scheduling To The City Council Meeting Of July 24, 2018 (MATRIX)
[18-0754](#)

Attachments: [View Report](#)

There was a motion made by Councilmember McElhaney and seconded by Vice Mayor Campbell Washington to approve item 5 with the following amendments:

There were 2 speakers on this item.

A motion was made that this matter be Accepted as Amended. The motion carried by the following vote:

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

NO VOTE: 0

From the Cancelled Life Enrichment Committee of July 17, 2018

Subject: Informational Report On DVP Implementation
From: Councilmember McElhaney
Recommendation: Receive An Informational Report From The City Administrator On The Implementation Of Ordinance No. 13451 C.M.S. Which Established The Department Of Violence Prevention On Ending The Epidemic Of Violent Crime In Oakland And Healing Trauma In Impacted Communities
[18-0702](#)

Attachments: [View Report](#)
[View Supplemental Report 9-7-2018](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 7/11/2018

Subject: Child & Adult Food Program (CACFP) Grant Application FY 2018-2019
From: Human Services Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Apply For And Accept The U.S. Department Of Agriculture Child And Adult Care Food Program (CACFP) Grant From The California Department Of Education In An Estimated Amount Of \$243,632 To Provide Funding For Nutritious Meals For The Head Start/Early Head Start Program From July 1, 2018 Through June 30, 2019; And 2) Authorizing A General Purpose Fund Contribution In The Amount Equivalent To Central Service Overhead Costs Estimated At \$41,675
[18-0680](#)

Attachments: [View Report](#)
[87309 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

Subject: Oakland Head Start/Early Childhood Education Program FY 2018-2019
From: Human Services Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Enter Into A Sub-Contract With Oakland Unified School District To Receive State Funding In An Estimated Amount Of \$200,000 To Provide California General Child Care Services To Eligible Participants, Ages Birth To Three Years Old, Effective July 1, 2018 Through June 30, 2019; And Accept And Appropriate Said Funding; And 2) Authorize The General Purpose Fund Contribution In The Amount Of \$29,795 To Cover Central Service Overhead Costs As Included In The FY 2018-19 Midcycle Proposed Budget
[18-0681](#)

Attachments: [View Report](#)
[87310 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

Subject: California State Preschool Program (CSPP) FY 2018-2019
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For And Accept The California State Preschool Program Expansion Grant From The California Department Of Education In An Amount Of \$1,072,782 To Fund Prekindergarten And Family Literacy Services In Accord With Said Grant From July 1, 2018 To June 30, 2019; And To Authorize A Contribution From The General Purpose Fund In The Amount Equivalent To Central Services Overhead Costs Estimated At \$126,213

[18-0685](#)

Attachments: [View Report](#)
[87311 CMS](#)

This City Resolution be Scheduled.to go before the *Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Public Safety Committee to be heard 7/24/2018

Subject: Alameda County Immediate Impact Grant
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Accept And Appropriate Up To \$633,320 From Alameda County In Immediate Impact Grant Funds For Services At Community Cabins Sites, Emergency Health And Hygiene Interventions, And Motel Vouchers For Unsheltered Families, For The Period Of April 17,2018 Through April 30, 2021; And 2) Amend The Grant Agreements With Service Providers To Extend The Grant Term For Fiscal Year (FY) 2019-2020 And FY 2020-2021 And Increase The Grant Amounts For Services At The Community Cabin Sites And To Provide Motel Vouchers; And 3) Accept And Appropriate Additional Grant Funds For Services At Community Cabins Sites, Emergency Health And Hygiene Interventions, And Motel Vouchers For Unsheltered Families That May Become Available From Alameda County Without Returning To Council Within The Duration Of The Grant Term Of April 17,2018 Through April 30,2021; And 4)Allocate Up To \$254,382 In Previously Appropriated General Purpose Funds For Use At Community Cabin Sites

[18-0701](#)

Attachments: [View Report](#)
[87312 CMS](#)

This City Resolution be Scheduled.to go before the *Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Public Safety Committee to be heard 7/24/2018

From The July 17, 2018 Public Safety Committee

Subject: Professional Services Agreement With Eberhardt Consulting
From: Oakland Police Department
Recommendation: Adopt A Resolution Waiving The Advertising/Bidding And Request For Proposals/Qualifications Requirements And Authorizing An Extension Of Up To Two Years (Through August 31, 2019) Of The Professional Services Agreement Between The City Of Oakland And Eberhardt Consulting For Technical Assistance Services In Delphine Allen V. City Of Oakland, For Two Hundred Fifty-One Thousand Dollars (\$251,000) And A Total Contract Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000)

[18-0652](#)

Attachments: [View Report](#)

[View Supplemental Report 6-15-18](#)

[View Supplemental Report 7-6-18](#)

[View Supplemental Report 7-20-2018](#)

[87322 CMS](#)

Item was scheduled from the Committee Matrix to the July 24, 2018 City Council Agenda on the Non Consent Calendar.

This City Resolution be Scheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 7/24/2018

6 There Are No Agendas For Review Due To The Mayors Summer Recess

7 Subject: Tax Of 1% On Rental Property Revenue
From: Councilmember Kaplan
Recommendation Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The General Municipal Election On November 6, 2018, A Proposed Ordinance To Adopt A Special Supplemental Business License Tax On Rental Of Property At A Rate Of 1% Of Annual Gross Receipts In Excess Of \$200,000 To Fund Solutions For Homelessness, Illegal Dumping Remediation, And Related Programs; And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 6, 2018 General Municipal Election

[18-0707](#)

Attachments: [View Report](#)

[View Supplemental Report 7-13-2018](#)

[View Supplemental Finance Report 7-13-2018](#)

There were 14 speakers on this item

This City Resolution be Withdrawn with No New Date.

8 Subject: Oakland Charter Amendment Career Jobs Now! Act
From: Councilmember Brooks
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The General Municipal Election On November 6, 2018, A Proposed Amendment To The Oakland City Charter To Establish The Career Jobs Now! Fund To Provide Funding For Job Training Services In The Amount Of Seven Percent Of Annual Unrestricted Revenues Received By The City From The New Construction Of Market Rate Housing And Commercial Developments Completed On Or After January 1, 2019; And Directing The City Clerk To Fix The Date For Submission Of Arguments, Provide For Notice And Publication, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 6, 2018, General Municipal Election
[18-0708](#)

Attachments: [View Report](#)

[View Budget Advisory Commission Supplemental Report 7-13-2018](#)

[View Supplemental Report 7-13-2018](#)

There were 17 speakers on this item

The committee asked that an economic analysis be included with this item

A motion was made by Lynette McElhaney, seconded by Larry Reid, that this matter be Approved the Recommendation of Staff, and Forward to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 7/24/2018. The motion carried by the following vote:

Aye: 3 - McElhaney, Reid, and Campbell Washington

No: 1 - Guillén

NO VOTE: 0

9 Subject: Just Cause Amendment Ballot Measure
From: Councilmember Gallo And Councilmember Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 6, 2018 General Municipal Election Proposed Amendments To Oakland Municipal Code Section 8.22.300 Et Seq. (Just Cause For Eviction Ordinance) To: (1) Remove The Exemption For Owner Occupied Duplexes And Triplexes; (2) Allow The City Council, Without Returning To The Voters, To Add Limitations On A Landlord's Right To Evict; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With City Of Oakland's General Municipal Election On November 6, 2018
[New Title]
[18-0720](#)

Attachments: [View Report](#)

[View Supplemental Report 7-13-2018](#)

[View Revised Report 7-20-2018](#)

[View Supplemental McElhaney Report 7-20-2018](#)

[87325 CMS](#)

There was a motion made by Vice Mayor Campbell Washington and seconded by Councilmember McElhaney to approve the staff recommendations with the following ammendments:

- 1. Any home owner seeking exemption will provide proof that the unit has been their primary residence for a minimum of (7) out of (10) years.***
- 2. Require that a new owner-occupant reside in the unit for a minimum of seven (7) years and file petitions with the rent board before the exemption will apply;***
- 3. Shifts the burden of proof for owner occupancy to homeowner***
- 4. Aligns the the definition of single family residence to FHA conventional lending practices to include 4 unit buildings***
- 5. Retains Just Cause protections for any owner occupied residency in a 4 unit building at the time of adoption and any tenants beginning their lease in an exempted unit after adoption would be applied to the 7 year rule***
- 6. If we continue to the provision to allow the City Council to change the ordinance after adoption by the voters, that such changes be affirmed by a 2/3 vote by the Council.***

A motion was made by Annie Campbell Washington, seconded by Lynette McElhaney, that this matter be Approved the Recommendation of Staff, and Forward to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board, to be heard 7/24/2018. The motion carried by the following vote:

Excused: 1 - Reid

Aye: 3 - McElhaney, Guillén, and Campbell Washington

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

11 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 3:56 p.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.**