



City of Oakland

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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, October 5, 2017

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules And Legislation Committee convened at 10:57 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

[17-0138](#)

There will be a Closed Session held on October 17, 2017 at 2:30 p.m.

**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 September 21, 2017

[17-0139](#)

**A motion was made by Lynette McElhaney, 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

[17-0140](#)

There were no changes to the pending list.

**A motion was made by Annie Campbell Washington, seconded by Abel J.
Guillén, 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)
[17-0141](#)

There were 3 speakers on this item.

This Report and Recommendation be Accepted as Amended.

Changes made to the October 10, 2017 Public Works Agenda

Subject: Safe Routes To School Grant Projects - History And Future Strategy
From: Transportation Department
Recommendation: Receive A Informational Report On The History And The Future Strategy For The Former "Safe Routes To School" Grant And The Present "Active Transportation Program" Grant
[16-1174](#)

Sponsors: Transportation Department

This Informational Report be Scheduled.to go before the *Public Works Committee to be heard 11/14/2017

Changes made to the October 12, 2017 Rules And Legislation Committee Agenda

Subject: Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws
From: City Attorney Barbara Parker, Council President Larry Reid, Councilmembers Guillen and Kaplan
Recommendation: Adopt A Resolution In Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws, Including Congressional Bill HR 367, Which Would Remove Federal Restrictions On Gun "Silencers" And Prohibit California From Enforcing Its Ban On Silencers And From Otherwise Regulating The Sales And Possession Of Silencers
[17-0206](#)

Sponsors: Guillén, Larry Reid, Kaplan and Office Of The City Attorney

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/12/2017

- 4.1** Subject: Calculation Of Penalties Under The 2007 Prompt Payment Ordinance
From: Councilmember Gallo
Recommendation: Recive A Report On The City Administration's Calculation Of Penalties Paid To City Vendors And Contractors When Applying The 2007 Prompt Payment Ordinance (As Amended In 2014.); As Soon As Possible On The Finance And Management Committee Agenda
17-0214

Sponsors: Gallo

This item was scheduled to be heard at the second Finance and Management Committee meeting in January 2018

This Report and Recommendation be Scheduled.to go before the *Finance & Management Committee to be heard 1/23/2018

- 4.2** Subject: Prohibit Contracting With Companies Bidding On The Border Wall
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Prohibit The City From Contracting With Companies That Contract With The Federal Government To Provide Services Or Goods To Construct The Border Wall Referenced In Executive Order No. 13767, Dated January 25, 2017
[16-1293](#)

Sponsors: Office Of The City Administrator

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 10/24/2017

- 4.3** Subject: Vacation of Union Street
From: Department of Transportation
Recommendation: Receive An Informational Report On The Proposed Vacation Of Union Street Right Of Way From West Grand Avenue To 21st Street Requested By East Bay Municipal Utility District (EBMUD).
[17-0203](#)

Sponsors: Transportation Department

This Informational Report be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/24/2017

- 4.4** Subject: 2017 Mills Act Contract Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Five (5) Mills Act Contracts Between The City Of Oakland And The Properties At 836 Trestle Glen Road (Estimated \$8,669/ Year Property Tax Reduction), 3130 Union Street (Estimated \$294/Year Property Tax Reduction), 1630-32 Myrtle Street (Estimated \$5,285/Year Property Tax Reduction), 783 20th Street (Estimated \$2,255/Year. Property Tax Reduction, And 863 Cleveland Street (Estimated \$12,889/Year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs
[17-0205](#)

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

- 4.5** Subject: Quarterly Code Enforcement Report
From: Planning And Building Department
Recommendation: Receive An Informational Report On The Code Enforcement Activities of the Planning and Building Department
[17-0215](#)

Sponsors: Planning & Building Department

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

- 4.6** Subject: Request To Schedule Special CED Meeting (5th Tuesday)
From: Council President Reid
Recommendation: Schedule A Special Community And Economic Development Committee Meeting For Tuesday, October 31, 2017 From 10:00AM-12:00 NOON
17-0213

This Report and Recommendation be Accepted.

4.7 Subject: Oak Knoll Project And City Owned Barcelona Parcel
From: Council President Reid
Recommendation: Adopt The Following Pieces of Legislation;

1) A Resolution (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings; (B) Amending The General Plan For The Project Site From Hillside Residential, Community Commercial, Institutional, Urban Open Space and Resource Conservation Area To Hillside Residential, Detached Unit Residential, Mixed Housing Type Residential, Neighborhood Center, Community Commercial, Urban Open Space And Resource Conservation Area; (C) Adopting A Planned Unit Development Permit, Preliminary Development Permit, Final Development Permits For The Master Developer Improvements And The Relocation And Rehabilitation Of Club Knoll, Design Guidelines, Conditional Use Permit, Phased Vesting Tentative Tract Map And Creek Permit; And (D) Approving A Tree Removal Permit As Recommended By The Public Works Agency For The Oak Knoll Mixed Use Community Plan Project Located At 8750 Mountain Boulevard, Oakland; And

17-0208

Sponsors: Reid

This City Resolution be Scheduled.to go before the *Special Community & Economic Development Committee to be heard 10/31/2017

2) A Resolution (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings And (B) Amending The General Plan From Hillside Residential And Resource Conservation To Detached Unit Residential For The City Owned Barcelona Parcel Located At Barcelona Street and St. Andrews Road, Oakland; And

17-0209

Sponsors: Reid

This City Resolution be Scheduled.to go before the *Special Community & Economic Development Committee to be heard 10/31/2017

3) An Ordinance (A) Adopting CEQA Findings, Including Certification Of Supplemental Environmental Impact Report And (B) Rezoning The Project Site From RH-3 Hillside Residential Zone -3 and RH-4 Hillside Residential Zone -4 To The Proposed D□OK Oak Knoll District Zones Regulations, For The Oak Knoll Mixed Use Community Plan Project Located At 8750 Mountain Boulevard, Oakland; And

17-0210

This Ordinance be Scheduled.to go before the *Special Community & Economic Development Committee to be heard 10/31/2017

4) An Ordinance (A) Adopting CEQA Findings, Including Certification Of Supplemental Environmental Impact Report And (B) Rezoning From RH-3 Hillside Residential Zone -3 To The Proposed D-OK-1 Oak Knoll District Residential Zone - 1 And The D-OK-7 Passive Open Space Zoning For The City Owned Barcelona Parcel Located At Barcelona Street and St. Andrews Road, Oakland; On The October 31, 2017 Special Community And Economic Development Committee Agenda And As A Public Hearing On The November 7, 2017 City Council Agenda
17-0211

This Ordinance be Scheduled.to go before the *Special Community & Economic Development Committee to be heard 10/31/2017

4.8 Subject: Mayor's Commission On Persons With Disabilities
From: ADA Programs Division
Recommendation: Receive An Annual Report From The Mayor's Commission On Persons With Disabilities (MCPD)
[17-0207](#)

Sponsors: Office Of The City Administrator

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

4.9 Subject: Winter Shelter Strategy
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Winter Shelter And Winter Relief Efforts For The Period Of November 1, 2017 Through June 30, 2018:

1. Accept And Appropriate Up To \$150,000 From Alameda County And Up To \$15,000 From City Of Emeryville;
2. Enter Into Grant Agreements With The Following Agencies In The Following Amounts: Society Of Saint Vincent De Paul Of Alameda County In An Amount Not To Exceed \$250,000; Bay Area Community Services In An Amount Not To Exceed \$108,000;
3. Amend The Grant Agreements With The Following Agencies In The Following Amounts: St. Mary's Center In An Amount Not To Exceed \$15,000; East Oakland Community Project (EOCP) In An Amount Not To Exceed \$22,000; And
4. Accept And Appropriate Any Additional Winter Relief Funds From Alameda County, The City Of Emeryville, And Any Other Sources During The Period Of November 1, 2017 Through June 30, 2018; And Amend The Grant Agreements Above To Increase The Grant Amounts, And Execute New Grant Agreements For Additional Winter Relief Efforts For The Period Of November 1, 2017 Through June 30, 2018 Without Returning To Council

[17-0220](#)

Sponsors: Human Services Department

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/24/2017

4.10 Subject: Restrooms And Handwashing Stations On City-Owned Land
From: Councilmember Kaplan
Recommendation: Receive An Informational Report And Options For Actions To Provide Restrooms And Handwashing Stations On City-Owned Land, Starting With City Hall Plaza; On The November 14, 2017 Life Enrichment Committee Agenda
17-0212

Sponsors: Kaplan

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 11/14/2017

- 4.11** Subject: Informational Report On Art And Soul Festival
From: Councilmember McElhaney
Recommendation: Receive An Informational Report From The City Administrator On The Art And Soul Festival That Includes: Financial Data, Performance, A List Of Performers, And Vendor Satisfaction Data From Past Five Years; A Description Of The Current Process To Produce The Event; And An Anlysis Of The Potential Costs And Benefits Of Issuing A Request For Proposals For New Organizations To Produce The Event; On The December 5, 2017 Life Enrichment Committee Agenda
17-0216

Sponsors: McElhaney

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 12/5/2017

- 4.12** Subject: Discussion Of Education Partnership Schedule And Agenda
From: Councilmember McElhaney
Recommendation: Receive An Informational Discussion Of The Education Partnership Committee's 2017-2018 Legislative Season To Include The Scheduling Of Future Meetings And The Subjects To Be Addressed By The Committee; On The October 24, 2017 Education Partnership Committee Agenda
17-0217

This Informational Report be No Action Taken.

- 4.13** Subject: Honoring Rocio Fierro - Ceremonial Resolution
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Honoring Rocio V. Fierro For More Than 26 Years Of Exemplary Service To The City Of Oakland
[17-0218](#)

Sponsors: Office Of The City Attorney

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/17/2017

- 4.14** Subject: Emergency Ordinance To Establish Interim Controls
From: President Pro Tem Guillén
Recommendation: Adopt An Emergency Ordinance, Pursuant To Charter Section 213, Establishing Interim Controls Which Include But Are Not Limited To, Requiring Additional Criteria For Demolition Of Any Structure And The Conversion Of Housing Units Into Condominiums; Requiring Major Conditional Use Permit For Projects Involving More Than 50,000 Square Feet Of New Floor Area And For New Hotels; Prohibiting New Auto Fee Parking Lots; And Adding Enhanced Noticing Requirements For An Area Surrounding The Potential Location Of An Oakland Athletics Baseball Stadium, To Take Effect Immediately Upon Introduction And Adoption; On The October 17, 2017 City Council Agenda
17-0219

Sponsors: Guillén

Staff read a title change into record and requested that the item be heard at the November 14, 2017 Community and Economic Development Committee

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 11/14/2017

- 4.15** 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](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/17/2017

- 4.16** Subject: Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws
From: City Attorney Barbara Parker, Council President Larry Reid, Councilmembers Guillen and Kaplan
Recommendation: Adopt A Resolution In Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws, Including Congressional Bill HR 367, Which Would Remove Federal Restrictions On Gun “Silencers” And Prohibit California From Enforcing Its Ban On Silencers And From Otherwise Regulating The Sales And Possession Of Silencers

[17-0206](#)

Sponsors: Guillén, Larry Reid, Kaplan and Office Of The City Attorney

Staff requested that this item be heard at the October 12, 2017 Rules and Legislation Committee by way of an Urgency motion made by President Pro Temp Guillen, seconded by President Reid.

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/12/2017

- 5** A Review Of The Draft Agendas For The City Council Meeting Of October 17, 2017 And The Rules And Legislation Committee Of October 19, 2017

[17-0142](#)

This Report and Recommendation be Accepted.

- 6** 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](#)

This City Resolution be Approved 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 10/17/2017

- 7 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](#)

This City Resolution be Approved 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 10/17/2017

Open Forum (Total Time Available: 15 Minutes)

1 speaker 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 11:49 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.