



**DRAFT**  
**City Of Oakland**  
**City Council**  
**Legislative Calendar**

Office of the City Clerk  
 Oakland City Hall  
 1 Frank Ogawa Plaza  
 Oakland, CA 94612  
 LaTonda Simmons, City Clerk

ALL MEETINGS ARE HELD IN CITY HALL  
 ONE FRANK H. OGAWA PLAZA, OAKLAND, CA

Date	Time	Meeting Body	Meeting Location
<b>FOR THE WEEK OF FEBRUARY 15, 2016</b>			
2-16-2016	3:00 P.M.	Special Closed Session	Sgt. Daniel Sakai (HR 4) 2nd Floor
2-16-2016	5:30 P.M.	* Oakland City Council	Council Chamber 3rd Floor
2-18-2016	10:30 A.M.	Special Closed Session	Building Bridges Room 3rd Floor
2-18-2016	10:45 A.M.	*Rules & Legislation Committee	Council Chamber 3rd Floor

**UPCOMING MEETINGS FOR COUNCIL COMMITTEES:**

2-23-2016	9:30 A.M.	* Finance & Management Committee	Sgt. Mark Dunakin Rm (HR1) 1st Floor
2-23-2016	11:30 A.M.	* Public Works Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
2-23-2016	1:30 P.M.	* Community & Economic Development Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
2-23-2016	4:00 P.M.	* Life Enrichment Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
2-23-2016	6:00 P.M.	* Public Safety Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
2-25-2016	10:30 A.M.	Special Closed Session	Building Bridges Room 3rd Floor
	10:45 A.M.	*Rules & Legislation Committee	Council Chamber 3rd Floor

\* In the event that a quorum of the City Council participates on this Committee, the meeting is <sup>5</sup>noticed as a Special Meeting of the City Council; however, no final City actions can be taken.

City of Oakland

**RULES & LEGISLATION CMTTE**

This document is provided as a courtesy only and is not an official notice as prescribed by Local and State laws.  
 Please refer to the published Meeting Agendas for official noticing information.

**FEB 04 2016**



# City of Oakland

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

## Meeting Agenda - DRAFT

### Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

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

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

Tuesday, February 16, 2016

5:30 PM

City Council Chamber, 3rd Floor

#### **DEFINITION OF TERMS:**

**Consent Item:** any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

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**Action Item:** any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

**Informational Item:** an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

*COUNCILMEMBERS: Desley Brooks, District 6; Annie Campbell Washington, District 4; Noel Gallo, District 5; Abel J. Guillén, District 2; Dan Kalb, District 1; Vice Mayor Rebecca Kaplan, At Large; President Pro Tempore Larry Reid, District 7; Council President Lynette Gibson McElhaney, District 3*

3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

4 ACTIONS ON SPECIAL ORDERS OF THE DAY  
(Ceremonial Presentations, Reports/Presentations From The Mayor,  
Council Acknowledgements/Announcements):

4.1 Subject: Recognizing Lieutenant Kevin N. Wiley  
From: Councilmember Noel Gallo  
Recommendation: Adopt A Recognizing And Honoring Lieutenant Kevin Wiley For 30  
Years Of Dedicated Service To The Residents Of Oakland And The Oakland Police  
Department  
[15-0529](#)

Attachments: [View Report](#)

Legislative History

1/14/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
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5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 2,  
2016  
[15-0595](#)

6 **MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS**  
**(Requests To: Reschedule Items From Consent To Non-Consent**  
**To The Next Council Agenda, Speak On Consent Calendar, Register Votes,**  
**Change Order Of Items, Reconsiderations, Pull Items Held In Committee):**

7 **CONSENT CALENDAR (CC) ITEMS:**

7.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's  
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health  
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired  
Immunodeficiency Syndrome ("AIDS") Epidemic  
[15-0593](#)

Attachments: [View Report](#)

7.2 Subject: Declaration Of Medical Cannabis Health Emergency  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A  
Local Public Health Emergency With Respect To Safe, Affordable Access To Medical  
Cannabis In The City Of Oakland  
[15-0594](#)

Attachments: [View Report](#)

**7.3** Subject: Add The Classification Of Director Of Transportation  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance  
No. 12187 C.M.S. ("Salary Ordinance") To Add The Classification Of Director Of  
Transportation [TITLE CHANGE]  
15-0526

Attachments: [View Report](#)

[View Supplemental Report](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF  
THIS ORDINANCE.*

*INTRODUCTION (First Reading) WAS PASSED ON FEBRUARY 2, 2016; 8 AYES.*

Legislative History

1/14/16 \*Rules & Legislation Committee Scheduled to the \*Public Works Committee

1/26/16 \*Public Works Committee Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

*The Committee approved the Ordinance as Amended to revise the Class No. from EM159 to EM264 and revise the Department of Transportation and Infrastructure to merely Department of Transportation.*

2/2/16 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council Approved As Amended On Introduction and Scheduled for Final Passage to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council

*The Ordinance was amended as follows: 1) The Class No. was changed from EM159 to EM264, and 2) The Department of Transportation and Infrastructure was revised to Department of Transportation.*

*There were 4 speakers in this item.*

**8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &  
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS**

**COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE  
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:**

**9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING  
REQUIREMENTS:**

**9.1** Subject: Amendments To Medical Cannabis Ordinances  
From: Office Of The City Administrator  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The  
Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis  
Dispensary Permits, To Align With California's Medical Marijuana Regulation And  
Safety Act And Adopting CEQA Exemption Findings; And  
15-0587

Attachments: [View Report](#)

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis  
Cultivation Facility Permits, To Align With California's Medical Marijuana Regulation  
And Safety Act And Adopting CEQA Exemption Findings  
15-0589

*ACTION ON THESE ITEMS WILL RESULT IN INTRODUCTION (First Reading) OF  
THE ORDINANCES.*

*FINAL PASSAGE (Second Reading) WILL OCCUR ON MARCH 1, 2016.*

*Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was added to this agenda.*

**ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:**

**10 THIS NUMBER INTENTIONALLY NOT USED**

**11** Subject: Public Health & Safety Issues Regarding Coal  
From: Office Of The City Administrator  
Recommendation: Receive A Report And Recommendation Presenting Options To  
The City Council For Consideration Relating To Addressing Public Health And/Or  
Safety At The Former Oakland Army Base And Surrounding Areas Regarding Coal  
15-0362

Legislative History

11/17/15	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	* Withdrawn and Rescheduled to the Meeting of the Oakland City Council
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12 Subject: OFD Mandatory Overtime  
From: Councilmember Abel Guillén  
Recommendation: Receive An Informational Report On Mandatory Overtime For The  
Oakland Fire Department And Plans For Reducing Mandatory Overtime  
14-1243

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

*Pursuant to Rule 28(a) of Resolution 82580 C.M.S., this item was removed from the  
February 2, 2016 City Council agenda and added to this agenda.*

Legislative History

7/30/15	*Special Rules and Legislation Committee	Scheduled to the *Public Safety Committee
9/15/15	*Special Public Safety Committee	* Withdrawn and Rescheduled to the *Public Safety Committee
10/29/15	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
11/10/15	*Public Safety Committee	Continued to the *Public Safety Committee

*The Committee requested the following:*

1. *Long-term plan for how to go beyond the current stop-gap measures to reduce department vacancies;*
2. *Timeframe for implementation of the long-term plan;*
3. *Information regarding the impact of promotions on vacancies on lower ranks;*
4. *Information on the relationship between the increase in overtime and increases in disabilities and/or sick time;*
5. *Information to better understand attrition; and*
6. *Historical, and pre-recession, analysis of staffing levels, vacancies and use of overtime for 3 years in addition to what has been provided.*

*There were 2 speakers on this item.*

1/26/16	*Public Safety Committee	Received and Forwarded to the Meeting of the Oakland City Council
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*The Committee received and forwarded this report and requested the City Administrator provide more information on how the goal of increasing OFD staffing levels can be achieved more quickly and provide a status report regarding the negotiated Letter of Understanding between OFD & Local 55.*

*There were 3 speakers on this item.*

- 13 Subject: Amendments To Transitional And Supportive Housing Regulations  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: 1) Change Transitional And Supportive Housing Regulations To Comply With State Law; 2) Revise Regulations For Secondary Units; And 3) Make Miscellaneous Minor Changes In Various Chapters Of The Planning Code, And Make Appropriate California Environmental Quality Act Determinations  
15-0357

Attachments: [View Report](#)  
[ATTACHMENT A](#)  
[ATTACHMENT B](#)  
[ATTACHMENT C](#)  
[ATTACHMENT D](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[ATTACHMENT A Revised](#)  
[ATTACHMENT B Revised](#)  
[ATTACHMENT C Revised](#)  
[ATTACHMENT D Revised](#)  
[View Supplemental Report](#)  
[EXHIBIT A Revised](#)

*ACTION ON THIS ITEM WILL RESULT IN FINAL PASSAGE (Second Reading) OF THIS ORDINANCE.*

*INTRODUCTION (First Reading) WAS PASSED ON JANUARY 5, 2016; 8 AYES.*

Legislative History

11/19/15	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
12/1/15	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee <i>Non consent</i>	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
12/8/15	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council	* Withdrawn and Rescheduled to the Meeting of the Oakland City Council

1/5/16                      Concurrent Meeting of the                      Approved As Amended On Introduction and  
Oakland Redevelopment                      Scheduled for Final Passage to the Meeting  
Successor Agency and the                      of the Oakland City Council  
City Council

*Upon the reading of Item 9.4 by the City Clerk, the Public Hearing was opened at 8:41 p.m.*

*16 individuals spoke on this item.*

*Councilmember Kalb made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, and hearing no objections, the motion passed by 8 Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and Council President Gibson McElhaney.*

*Councilmember Kalb made a motion, seconded by Kaplan, to amend the Ordinance as follows:*

*1) Remove the following language from the Oakland Planning Code section 17.103.080(A)(3) "Owner Occupancy. The legal owner shall occupy either the primary dwelling or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning."*

*3) Revise section 17.103.080 (A)(5) to read as follows: "Required Parking. Except as specified in Subsection (a) below the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240."*

*4) Revise section 17.103.080(A)(5)(a) to read as follows: "Secondary Units that are located on sites (i) within one-half (1/2) mile of a BART Station, BRT Station, or Major Transit Stop, (ii) one-half (1/2) mile of a designated rapid bus line not located on Telegraph Avenue; (iii) one-quarter (1/4) mile of a designated rapid bus line located on Telegraph Avenue; or (iv) one-half (1/2) mile of the transit hub at the intersection of Lakeshore Avenue and Lake Park Avenue ½ mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) Station, or Major Transit Stop would have no additional parking requirement. For the purposes of this Chapter, a "Major Transit Stop" is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods."*

*2) Add the following to section 17.103.080(A)(5)(b) "For new or newly legalized Secondary Units established after the effective date of this Subsection and located within a residential parking permit area, a residential parking permit shall not be issued to the occupant(s) of the Secondary Unit except that the verified occupant(s) of the Secondary Unit may be issued no more than one (1) of the permits associated with the primary dwelling unit. This Subsection only applies to Secondary Units located on sites near transit as defined in Subsection (a) above."*

5) *Revise section 17.116.060(A) to read as follows:*

*a) One-family Dwelling with Secondary Unit*

*i) RH, RD, RM-1, and RM-2 Zones, except when combined with the S-12 Zone: One (1) space for the Secondary Unit unless the lot already contains a total of at least three (3) spaces or is located near transit Pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.*

*ii) D-LM Zones, except when combined with the S-12 Zone: No additional space required for the Secondary Unit.*

*iii) All other zones, except when combined with the S-12 Zone: One (1) space for the Secondary Unit unless the lot already contains a total of at least two (2) spaces or is located near transit pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.*

*iv) Any zone combined with the S-12 Zone: See Section 17.94.040.*

1/19/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	* Withdrawn and Rescheduled to the Meeting of the Oakland City Council
2/2/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	* Withdrawn and Rescheduled to the Meeting of the Oakland City Council

## CONTINUATION OF OPEN FORUM

## ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote Of The Council)

## Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

## Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

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# City of Oakland

Office of the City Clerk  
Oakland City Hall  
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Oakland, California 94612  
LaTonda Simmons, City  
Clerk

## Meeting Agenda - DRAFT

### \*Rules & Legislation Committee

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

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

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Thursday, February 18, 2016

10:45 AM

City Council Chamber, 3rd Floor

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Roll Call / Call To Order

#### **COMMITTEE MEMBERSHIP:**

Abel J. Guillén, District 2; Dan Kalb, District 1; President Pro Tempore Larry Reid, District 7; Chairperson: Council President Lynette Gibson McElhaney, District 3

1 Determinations Of Closed Session

15-0478

2 Approval Of The Draft Minutes From The Committee Meetings Of January 14, January 28, And February 4, 2016

15-0479

Attachments: [View Report](#)

*There are no minutes to approve for January 28, 2016 as the meeting was cancelled.*

- 3 Determination Of Schedule Of Outstanding Committee Items  
15-0480
- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
15-0481
- 6 A Review Of The Draft Agendas For The City Council Meeting Of March 1, 2016 And The Rules And Legislation Committee Of March 3, 2016  
15-0482

Open Forum (Total Time Available: 15 Minutes)

**Adjournment**

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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.

**5**  
RULES & LEGISLATION CMTTE