



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, December 8, 2016

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules and Legislation Committee convened at 10:56 a.m., with President Pro Tempore Reid presiding as Chairperson.

Present 3 - Abel J. Guillén, Dan Kalb, and Laurence E. Reid

Absent 1 - Lynette Gibson McElhaney

1 Determinations Of Closed Session

[16-0464](#)

Attachments: [View Report](#)

There is a Special Closed session scheduled for December 13, 2016 at 2 p.m.

A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

2 Approval Of The Draft Minutes From The Committee Meeting Of November 17, 2016 And December 1, 2016

[16-0465](#)

Attachments: [View Report](#)

December 1, 2017 minutes were not included with this item.

A motion was made by Dan Kalb, seconded by Abel J. Guillén, that this matter be Accepted. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

3 Determination Of Schedule Of Outstanding Committee Items

[16-0466](#)

Attachments: [View Report](#)

A motion was made by Dan Kalb, seconded by Abel J. Guillén, that this matter be Accepted. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

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

[16-0467](#)

Attachments: [View Report](#)

[View Report](#)

There were 11 speakers on this item.

A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

4.1 Subject: Certification Of The Election Results From November 8, 2016 Election
From: Office Of The City Clerk
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland General Municipal Election Held On Tuesday, November 8, 2016

[16-0516](#)

Attachments: [View Report](#)

[86549 CMS](#)

City Clerk requested that this item be scheduled as a non-consent item.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

- 4.2** Subject: Decertifying Previously Certified Environmental Impact Report
From: The Office Of the City Attorney
Recommendation: Adopt A Resolution Decertifying Previously Certified Environmental Impact Report For Mixed-Use Project, Consisting Of Market Rate And Affordable Senior Housing Units And Retail Space, At 4311-4317 MacArthur Blvd
[16-0517](#)

Attachments: [View Report](#)
[86533 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

- 4.3** Subject: Emergency Moratorium On Residential Hotel Conversion Or Demolition
From: Council President Gibson McElhaney, President Pro Tempore Reid, Councilmember Kaplan, And Guillen
Recommendation: Conduct a Public Hearing And Upon Conclusion Adopt An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Conversion, Demolition, Reconfiguration, And Rehabilitation Of Residential Hotels, To Take Effect Immediately Upon Adoption
[16-0507](#)

Attachments: [View Report](#)
[View Report](#)
[13410 CMS](#)

The request is seeking to place this item on the Special City Council meeting agenda on 12/13/2016 as a public hearing item.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

- 4.4 Subject: Coliseum Term Sheet With The Lott Group/Fortress
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing A Term Sheet And Exclusive Negotiating Agreement With Oakland City Pro Football Group, LLC, And Fortress Investment Group, LLC, Or Affiliated Entities, For Development Of A Stadium And Mixed-Use Project At The Oakland-Alameda County Coliseum Complex And Adjacent City Properties
[16-0518](#)

Attachments: [View Report](#)
[86550 CMS](#)
[Exhibit D](#)

Staff requested to change the title to read as follows: "Adopt A Resolution Authorizing A Term Sheet And Exclusive Negotiating Agreement With Oakland City Pro Football Group, LLC, And Fortress Investment Group, LLC, Or Affiliated Entities, For Development Of A Stadium And Mixed-Use Project At The Oakland-Alameda County Coliseum Complex And Adjacent City Properties."

Roll call has been modified to reflect Council President Gibson McElhaney present at 11:01 a.m.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

- 4.5 Subject: Informational Report On Unpermitted Residences In Commercial Spaces
From: Council President Gibson McElhaney, President Pro Tempore Reid, and Councilmember Gallo
Recommendation: Receive An Informational Report From The City Administrator Examining The Issue Of Residents Living In Unpermitted Commercial Or Industrial Spaces Which Includes Information On Health And Safety Risks, A Review Of Potential Policy Responses, And An Analysis Of Options To Create A Pathway To Legal Occupancy That Reduces The Risk Of Displacing Current Residents; As Soon As Possible On The Community And Economic Development Committee Agenda
[16-0519](#)

This item and item 3 on the dais were discussed together.

Councilmember Kalb requested that Councilmember Kaplan be added to his request and to keep their request separate from the request submitted by Council President Gibson McElhaney, President Pro Tempore Reid and Councilmember Gallo.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/21/2017

DUE TO THE PRESENCE OF COUNCILMEMBER 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 11:26 A.M.

- S3** Subject: Displacement Prevention And Safe Habitation
From: Councilmember Dan Kalb
Recommendation: Direct The City Administrator To Return To The Council With And Informational Report, Including Options For Budgetary And Policy Actions, On The Following: (1) Examination Of Best Practices From Other Jurisdictions That Prevent Resident Displacement While Addressing Building Safety; (2) Examination Of The Challenges Facing Oakland Based Artists Vis-À-Vis Living And Workspaces And Ways That The City Can Provide Assistance And Prevent Displacement; (3) Volume Of Work And Staffing Needs Relating To Code Enforcement As It Relates To Habitability And Fire Safety; (4) Volume Of Work And Staffing Needs Relating To The Fire Department As It Relates To Responsibilities Of The Fire Marshall, Commercial Fire Inspection Requirements, And Fire Prevention
16-0522

This item and item 4.5 were discussed together.

Councilmember Kalb requested that Councilmember Kaplan be added to his request and to keep their request separate from the request submitted by Council President Gibson McElhaney, President Pro Tempore Reid and Councilmember Gallo.

This City Resolution be Scheduled to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/21/2017

Items Submitted On The Dais

S1 Subject: Rapid Response Network For Oakland Families Facing The Immediate Threat Of Separation Due To Deportation
From: Vice Mayor Campbell Washington, President Pro Tem Reid, Councilmember Gallo And Councilmember Guillen
Recommendation: Adopt A Resolution Directing The City Administrator To Return To City Council In January 2017 With A Resolution To Appropriate \$150,000 In FY 2016-2017 And \$150,000 FY 2017-2018 For The Oakland Immigrant Legal Representation And Rapid Response Network To Provide Urgent Legal And Support Services To Oakland Families Facing The Immediate Threat Of Separation Due To Deportation And Work With Alameda County And The Bay Area Philanthropic Community To Fully Fund The Network

[16-0520](#)

Attachments: [View Report](#)

[86534 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

S2 Subject: Community Choice Energy Program JPA Board Appointments
From: Council President Gibson McElhane
Recommendation: Adopt A Resolution (1) Appointing Councilmember Dan Kalb To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) And; (2) Appointing Council Member Guillen As An Alternate To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) For Terms Commencing January 1, 2017 And Ending December 31, 2018

[16-0521](#)

Attachments: [View Report](#)

[86535 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

From the Public Safety Committee Pending List - January 10, 2017

Subject: Abatement And Abandoned Vehicles
From: Mary Maultsby-Jeffrey / Member Of The Public
Recommendation: Request Full Report On Abatement And Abandonment Of Vehicles Left On The Streets Of Oakland For More Than 72 Hours And Cars Being Parked On The Streets Of Oakland By Unlicensed Or Licensed Auto Dealers Who Are Using The Streets Of Oakland To Sell Mass Numbers Of Vehicles (Many Of Them Unoperable). Request Information Regarding Ticketing Of These Vehicles Who Have No License Plates, Are Not Moved On Street Sweeping Day And Are Not Being Ticketed By Any Agency
[16-0272](#)

Attachments: [View Report](#)

Staff requested to move this item from 01/10/2017 Public Safety Committee meeting to 01/24/2016 Public Safety Committee meeting.

From the December 13, 2016 Special City Council Agenda

11 Subject: One Year Extension Of The Declaration Of A Shelter Crisis In The City Of Oakland Under California Government Code 8698.
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Granting A One Year Extension Of Ordinance No. 13348 C.M.S. Declaring A Shelter Crisis In The City Of Oakland, Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons And Suspending Planning, Zoning, And Other Permit Requirements For Additional Homeless Shelters If Needed And Subject To Further Council Approval
[16-0411](#)

Staff requested to withdraw this item from the Special City Council meeting agenda on 12/13/2016 and come back to Rules and Legislation Committee for future scheduling.

4.3 Subject: Honoring Richard Illgen
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Honoring Richard Illgen For 17 Years Of Exemplary Service To The City Of Oakland
[16-0496](#)

Staff requested to withdraw this item from the Special City Council meeting agenda on 12/13/2016.

- 5 A Review Of The Council Committees' Actions From December 6, 2016 And Determination Of Scheduling To The City Council Meeting Of December 13, 2016 [16-0468](#)

Attachments: [View Report](#)

President Pro Tempore Reid noted present at 12:23 p.m.

A motion was made by Abel J. Guillén, seconded by Larry Reid, that this matter be Accepted as Amended. The motion carried by the following vote:

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

Subject: 2016 USDOJ/COPS Grant Acceptance
From: Oakland Police Deptmt
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, On Behalf Of The City Of Oakland To: (1) Accept And Appropriate Grant Funds In An Amount Not To Exceed One Million Eight Hundred Seventy-Five Thousand Dollars (\$1,875,000) From The U.S. Department Of Justice, Office Of Community Oriented Policing Services (USDOJ/COPS) To Fund The Entry-Level Salary And Fringe Benefits Costs Of Fifteen (15) Full-Time Equivalent (FTE) Police Officers And Appropriate The Funds To The Oakland Police Department (OPD); (2) Authorize An Appropriation Of Nine Million Four Hundred Ninety-Three Thousand Four Hundred Thirty-Four Dollars (\$9,493,434) To Cover The Local Match Requirement; And (3) Authorize The General Purpose Fund To Subsidize The Central Services Overhead Costs Of Nine Hundred Fourteen Thousand Two Hundred Sixty Two Dollars (\$914,262) For A Total City Of Oakland Contribution Of Ten Million Four Hundred Seven Thousand Six Hundred Ninety-Six Dollars (\$10,407,696) And A Total Program Cost Not To Exceed Twelve Million, Two Hundred Eighty Two Thousand Six Hundred Ninety Six Dollars \$12,282,696.

[16-0434](#)

Attachments: [View Report](#)

[86546 CMS](#)

This item will be placed on the non-consent portion of the December 13, 2016 Special City Council meeting agenda rather than the consent calendar in accordance with the recommendations of the Public Safety Committee.

This City Resolution be Approve the Recommendation of Staff, and Forward.to go before the * Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Public Works Committee to be heard 12/13/2016

- 6 THERE ARE NO AGENDAS FOR THE WEEK OF DECEMBER 20, 2016 ALL MEETINGS ARE CANCELLED

[16-0469](#)

This City Resolution be No Action Taken.

7 Subject: Examining Alameda County Probate Court Process, And Grand Jury Investigation
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution Requesting An Examination Of The Way In Which The Probate Courts In Alameda County Function And Directing The City Administrator To Send Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy O'Malley, Alameda County Board Of Supervisors, Assemblymember Tony Thurmond, And State Senator Nancy Skinner
[16-0345](#)

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

There were 2 speakers on this item.

This City Resolution be Continued to go before the *Rules & Legislation Committee to be heard 12/15/2016

8 Subject: Resolution In Support Of Overturning Proposition 209
From: Councilmember Kaplan And President Gibson McElhaney
Recommendation: Adopt A Resolution Calling On The State Of California To Overturn Proposition 209, A Ballot Initiative That Prevents The City Of Oakland And Other California Public Agencies From Remediating Discrimination
[16-0417](#)

Attachments: [View Report](#)
[View Report](#)
[86536 CMS](#)

Council President clarified the title to read as follows: "Adopt A Resolution Calling On The State Of California To Overturn Proposition 209, A Ballot Initiative That Prevents The City Of Oakland And Other California Public Agencies From Remediating Discrimination."

A motion was made by Dan Kalb, seconded by Larry Reid, that this matter be Approve the Recommendation of Staff, and Forward to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 12/13/2016. The motion carried by the following vote:

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

- 9 Subject: 2016 State And Federal Legislative Activities & Proposed 2017 Legislative Priorities
From: Office Of The Mayor
Recommendation: Receive The Attached Informational Report That Summarizes The City's Legislative Efforts In 2016 And Proposes The Legislative Agenda For 2017 [16-0344](#)

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

Council President noted absent at 12:32 p.m.

Councilmember Kalb requested to integrate into the report information regarding transportation infrastructure financing package, development impact fees spending structure, and car sharing programs.

Councilmember Guillen requested to add to the report information regarding Sustainable Communities Grant Program for Housing and Transit Oriented Development, and CalEnviroScreening.

This Report and Recommendation be Approve as Amended the Recommendation of Staff, and Forward.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 12/13/2016

10 Subject: Resolution Calling For Reform To Abolish The Electoral College, Address Congressional Gerrymandering, And Eliminate Barriers To Voting
From: Councilmember Kalb And Kaplan
Recommendation: Adopt A Resolution (1) In Support Of Senator Barbara Boxer's Bill To Abolish The Electoral College and (2) Directing The City Administrator And City Lobbyist To Work With All Relevant State And Federal Elected Officials To (A) Develop And Ratify An Amendment To The United States Constitution To Replace The Electoral College With A National Popular Vote For President Of The United States Or, Alternatively, To Approve The National Popular Vote Interstate Compact, (B) Address Gerrymandering In Congressional Apportionment By Requiring Redistricting Reform, Such As By Having Independent State Redistricting Commissions Conduct Redistricting Instead Of State Legislatures, And (C) Eliminate Barriers To Voting.

[16-0449](#)

Attachments: [View Report](#)

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[86521 CMS](#)

There were 2 speakers on this item.

Staff read two amendments to the resolution as follows: on page 2 in the second Whereas it should state that Hillary Clinton received over 2.5 million more votes than Mr. Trump, and on page 3 in the third Whereas it should state that 11 (not 10) states "currently having joined..."

A motion was made by Dan Kalb, seconded by Abel J. Guillén, that this matter be Approve the Recommendation of Staff, and Forward to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 12/13/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

11 Subject: 2017 Legislative Calendar
From: Council President Gibson McElhaney
Recommendation: Adopt The Proposed 2017 Legislative Calendar For The City Council And Council Committee Meeting, Report And Distribution Schedule [16-0478](#)

Attachments: [View Report](#)

Councilmember Guillen would like to incorporate Cesar Chavez Holiday into the calendar in the future.

Members of the Committee agreed not to cancel the Committee Meetings scheduled for 1/10/2017.

A motion was made by Dan Kalb, seconded by Abel J. Guillén, that this matter be Approve the Recommendation of Staff, and Forward to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 12/13/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

Open Forum (Total Time Available: 15 Minutes)

There were 7 speakers on 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 1: 16 p.m.

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*** 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.**