



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
FOR THE WEEK OF MAY 16, 2016			
5-17-2016	3:00 P.M.	Special Closed Session	Sgt. Daniel Sakai (HR 4) 2nd Floor
5-17-2016	5:30 P.M.	* Oakland City Council	Council Chamber 3rd Floor
5-19-2016	10:30 A.M.	Special Closed Session	Building Bridges Room 3rd Floor
	10:45 A.M.	*Rules & Legislation Committee	Council Chamber 3rd Floor

UPCOMING MEETINGS FOR COUNCIL COMMITTEES:

5-24-2016	9:30 A.M.	* Finance & Management Committee	Sgt. Mark Dunakin Rm (HR1) 1st Floor
5-24-2016	11:30 A.M.	* Public Works Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
5-24-2016	1:30 P.M.	* Community & Economic Development Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
5-24-2016	4:00 P.M.	* Life Enrichment Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
5-24-2016	6:00 P.M.	* Public Safety Committee	Sgt. Mark Dunakin Rm (HR 1) 1st Floor
5-26-2016	10:30 A.M.	Special Closed Session	Building Bridges Room 3rd Floor
	10:45 A.M.	*Rules & Legislation Committee	Council Chamber 3rd Floor.

5

** In the event that 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 actions can be taken.*

City of Oakland

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.

MAY 05 2016

RULES & LEGISLATION COMMITTEE



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, May 17, 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.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

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; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; Abel J. Guillén, District 2; Dan Kalb, District 1; 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):

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF MAY 3, 2016
[15-0978](#)

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
[15-0979](#)

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
[15-0980](#)

7.3 Subject: 500 Kirkham DDA With TLC
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance (1) Authorizing The Purchase Of 500 Kirkham
Street In West Oakland (The "Property From Cal Trans, (2) Authorizing A Disposition
And Development Agreement with TLPartners V, LP., Or A Related Entity, For The
Sale And Development Of The Property For A Mixed-Use Project, And (3) Making
CEQA Findings For This Action
[15-0864](#)

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 MAY 3, 2016, 8 AYES.

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
4/26/16	*Special Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

5/3/16 Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the
City Council Approved On Introduction and Scheduled
for Final Passage to the Meeting of the
Oakland City Council

- 7.4 Subject: Lease Agreement For The City-Owned Property At 1226 73rd Avenue
From: Human Services Department
Recommendation: Adopt An Ordinance Authorizing A Lease Agreement With East
Oakland Community Project For City-Owned Property At 1226-73rd Avenue For Use
As A Shelter Plus Care Housing Facility, For A Lease Term Of Five Years Until June
30, 2020
15-0865

Attachments: [View Report](#)

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

INTRODUCTION (First Reading) WAS PASSED ON MAY 3, 2016, 8 AYES.

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
4/26/16	*Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council

- 7.5 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](#)

[View Supplemental Report](#)

Legislative History

2/9/16	*Public Safety Committee	Continued to the *Public Safety Committee
3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee

4/26/16 *Public Safety Committee Approve as Amended the Recommendation
of Staff, and Forward to the Meeting of the
Oakland City Council

*The Committee approved the recommendations as amended to approve all
future permits as follows:*

- 1) Equity measures shall be included in the implementation regulations:*
- 2) Fifty (50) percent of all medical cannabis permits shall be issued to
primary applicants who have lived, for at least one year, in a census tract or
police beat which has been heavily and negatively impacted by law enforcement
with respect to cannabis; and*
- 3) The primary applicant must maintain fifty-one (51) percent ownership of
the operation.*

There were 16 speakers on this item.

4/26/16 *Finance & Management Approve the Recommendation of Staff, and
Committee Forward to the Meeting of the Oakland City
Council

*The committee approved items 3 and 4, contingent on approval of items 1 and 2
in the Public Safety Committee*

There were 2 speakers on this item

5/3/16

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

Approved As Amended On Introduction and
Scheduled for Final Passage to the Meeting
of the Oakland City Council

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 11:03 p.m.

47 individuals spoke on this item.

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

Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to approve the Ordinance on introduction as amended as follows:

1. *Add to Definitions Section 5.80.010 the following: Section M. "General Application permit" shall mean all applications issued under OMC 5.80 with the exception of Dispensary Equity Permits issued under section 5.80.040.*

2. *DISPENSARY PERMIT APPLICATION:*

a. *Section 5.80.020 (E) delete the following: "Priority shall be given to dispensary applications owned and operated by Oakland residents, in particular applicants owned and operated by Oakland residents in census tracts identified by the City Administrator as having high unemployment rates."*

b. *Section 5.80.020(E) add the following: "Fifty percent (50%) of all permits issued under OMC 5.80 shall be issued to an Oakland resident who meets the Dispensary Equity Permit Program requirements set forth in Section 5.80.050. At no time shall the number of new General Application permits exceed the number of Dispensary Equity Permits issued by the City Administrator. The eight (8) existing Dispensary Operators are exempt from the 50% requirement."*

3. *Add the following to Section 5.80.040 - Performance and Operating Standards:*

i. *Section G. Fifty percent (50%) of all dispensary applications issued under OMC 5.80 shall be issued to an Oakland resident who meets the Dispensary Equity Permit Program requirements set forth in Section 5.80.050 below.*

ii. *Section H. At no time shall the number of new General Application permits exceed the number of Dispensary Equity Permits issued by the City Administrator.*

4. *Add new Section 5.80.050 -DISPENSARY EQUITY PERMIT PROGRAM:*

i. *Section A: CRITERIA. Applicant must have at least one member who meets all of the following criteria:*

1. *Be an Oakland resident who,*

2. *Resides for at least two years prior to the date of application in Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland Police Department Beat Map is attached and incorporated herein by reference); or those individuals who, within the last ten years, have been previously*

incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California:

3. Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and

4. Prior marijuana or cannabis conviction shall not be a bar to equity ownership.

5. Add the following: Section 5.80.020(4)(h) - That no cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

6. Renumber the balance of the sections accordingly.

The Council directed the City Administrator to include the following in the implementation regulations:

1. Strengthened Enforcement of Local Hiring Provisions. Strengthen enforcement of local hiring provisions by creating statutory fines for shortfalls and permit revocation for repeated noncompliance. Additionally, onsite consumption permits should be denied to dispensaries that do not meet the local hiring requirements at the time of their application.

5. Advocate for and Assist Formerly Incarcerated Permit Holders with State Suitability Process. Earmark resources for Oakland to proactively lobby on behalf of licensed local businesses during the state licensing process so that business owners with prior criminal offenses will not be frozen out of the state system.

2) 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; And
15-0589

Legislative History

2/9/16	*Public Safety Committee	Continued to the *Public Safety Committee
3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
4/26/16	*Public Safety Committee	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

5/3/16 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council Approved As Amended On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council

Councilmember Brooks made a motion, seconded by President Pro Tempore Reid, to approve the Ordinance on introduction as amended as follows:

1. Cultivation, Distribution, And Manufacturing Permit Application. Add to Definitions Section 5.81.020 the following: Section W. "General Application permit" shall mean all applications issued under OMC 5.81 with the exception of Dispensary Equity Permits issued under section 5.81.030.

2. On page 8, Section 5.81.030 insert: Section G. Fifty percent (50%) of all permits issued under OMC 5.81 shall be issued to an Oakland resident who meets the Equity Permit Program requirements set forth in Section 5.81.030(H) below. At no time shall the number of General Application permits issued under 5.81 in total exceed the number of Equity Permits under 5.81 in total issued by the City Administrator.

a. Add Section H. Cultivation, Manufacture, Distribution Equity Permit Program Criteria. Applicant must have at least one member who meets all of the following criteria:

1. Be an Oakland resident who.

2. Resides for at least two years prior to the date of application in Oakland Police Department Beats 26Y, 30X, 30Y, 31Z, 32Y, and 34X (Oakland Police Department Beat Map is attached and incorporated herein by reference); or those individuals who, within the last ten years, have been previously incarcerated for marijuana-related offense as a result of a conviction arising out of Oakland, California;

3. Maintains not less than a 50% ownership in the Dispensary applicant entity, partnership, limited liability corporation, collective, corporation, worker cooperative or other recognized ownership entity; and

4. Prior marijuana or cannabis conviction shall not be a bar to equity ownership.

3) An Ordinance Amending The FY 2015-16 Master Fee Schedule (Ordinance No. 13320 C.M.S., As Amended) To Modify And Establish Permit Application And Annual Regulatory Fees For City Of Oakland Licensed Medical Cannabis Facilities And Adopting CEQA Exemption Findings; And
15-0811

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

INTRODUCTION (First Reading) WAS PASSED ON MAY 3, 2016, 8 AYES.

Legislative History

3/24/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
4/26/16	*Finance & Management Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
4/26/16	*Public Safety Committee	Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council
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**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: Housing Element Annual Progress Report For Calendar Year 2015
From: Housing And Community Development Department
Recommendation: Receive The City of Oakland's Housing Element Annual Progress
Report For Calendar Year 2015
15-0966

Attachments: [View Report](#)

9.2 Subject: Lease Disposition & Development Agreement - 7th & Campbell (OAW)
From: Housing And Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) Ordinance Authorizing A Lease Disposition And Development Agreement With
Oakland And The World Enterprises, Inc., Or An Affiliated Entity, For The Long-Term
Ground Lease Of Property At 7th Street And Campbell Street For Development As A
Mixed Use Affordable Housing Development, And Making CEQA Findings For This
Action ; And
15-0967

Attachments: [View Report](#)

2) A Resolution Appropriating Up To \$16,008 In License Fees From A License
Agreement Of Property Located At 7th And Campbell From The Low And Moderate
Income Housing Asset Fund For Expenditures Related To The Property And The
Project
15-0968

9.3 Subject: 2016-2017 Annual Action Plan For CDBG, HOPWA, ESG & HOME
From: Housing And Community Development Department
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator To Prepare And Submit To The U.S. Department Of Housing And Urban Development The Consolidated Annual Action Plan For Fiscal Year 2016-2017; (2) Accepting And Appropriating Funds Totaling \$12,061,766 For The Home , Emergency Solutions Grant, Housing Opportunities For Persons With Aids, And The Community Development Block Grant Programs; (3) Authorizing The City dministrator To Negotiate And Execute Community Development Block Grant Agreements And Amendments To Existing Community Development Block Grant Agreements To Extend 2015-2016 Agreements Through Fiscal Year 2016-2017; (4) Appropriating \$950,000 In Revolving Loan Payments Program Income For Fiscal Year 2016-2017 And Any Amounts In Excess Thereof For Housing Rehabilitation Revolving Fund; And (5) Authorizing The Reprograming Of \$174,630 In Carry-Forward And Program Savings Community Development Block Grant Funding For 2016-2017 Projects
15-0969

Attachments: [View Report](#)

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

10 Subject: Health And Safety Impacts Of Coal In Oakland
From: Councilmember Kaplan
Recommendation: Conclude And Present Information From The Public Hearing On The Health And Safety Impacts Of Coal In Oakland And Options For Action, Including Whether To Adopt A Prohibition On The Storage, Loading, Import And Export Of Coal In Oakland
15-0977

A the May 3, 2016 City Council meeting, a motion was made by Councilmember Brooks, seconded by Councilmember Kaplan, that this matter be Scheduled to the May 17, 2016 City Council agenda. The motion tied with the following vote:

*Recused: 1 - Guillén
Aye: 3 - Brooks, Gallo and Kaplan
No: 3 - Campbell Washington, Kalb Gibson McElhaney
Absent: 1 - Reid*

Legislative History

5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Referred to the * Special Meeting of the Oakland City Council
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- 11** 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

Legislative History

3/10/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council <i>This item will be heard quarterly at City Council on the third Tuesdays of July, October, January and April of each year thereafter.</i>
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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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THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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 8:30 A.M. TO 5:00 P.M.



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

*Rules & Legislation Committee

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

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

Thursday, May 19, 2016

10:45 AM

City Council Chamber, 3rd Floor

DEFINITION OF TERMS:

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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
15-0936
- 2 Approval Of The Draft Minutes From The Committee Meeting Of May 5, 2016
15-0933

- 3 Determination Of Schedule Of Outstanding Committee Items
15-0937
- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
15-0934
- 5 A Review Of The Draft Agenda For The Rules And Legislation Committee Of June 2, 2016
15-0935

Open Forum (Total Time Available: 15 Minutes)

Adjournment

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5
RULES & LEGISLATION CMTTE
MAY 0 5 2016