



City of Oakland

Office of the City Clerk
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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, September 15, 2016

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

*The Oakland City Council Rules And Legislation Committee convened at , with
Councilmember Reid presiding as Chairperson.*

Excused 1 - Lynette Gibson McElhaney

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

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 Determination Of Closed Session

[16-0075](#)

There was no Closed Session today.

2 Approval Of The Draft Minutes From The Committee Meeting Of July 14, 2016

[16-0076](#)

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

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

3 Determination Of Schedule Of Outstanding Committee Items

[16-0077](#)

This Report and Recommendation be Accepted.

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL) [16-0078](#)

This Report and Recommendation be Accepted as Amended.

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- 4.1 Subject: Councilmember Guillen Travel Authorization
From: Councilmember Abel J Guillen
Recommendation: Adopt A Resolution Authorizing Councilmember Abel Guillen To Travel To Long Beach, California To Attend The 2016 League Of California Cities Annual Conference & Expo From October 5-7, 2016
[16-0148](#)

Councilmember Kalb made a motion seconded by Councilmember Guille to approve the urgency finding on item 4.2 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action to facilitate Councilmember Guillen's participation at the Conference.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board to be heard 9/20/2016

- 4.2 Subject: Honoring Usana Hopkins
From: President Pro Tem Reid And Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Honoring Usana Hopkins, Early Childhood And Family Services Manager, Upon Her Retirement After 24 Years Of Dedicated Public Service To The City Of Oakland
[16-0108](#)

Councilmember Kalb made a motion seconded by Councilmember Guillen to approve the urgency finding on item 4.3 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 9/20/2016

- 4.3** Subject: Acceptance Of Grant Funds From The Kenneth Rainin Foundation
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The Kenneth Rainin Foundation In The Total Amount Of Four Hundred Seventeen Thousand Six Hundred Dollars (\$417,600), With The First Half, Two Hundred Eight Thousand Eight Hundred Dollars (\$208,800), To Be Paid Upon The Foundation's Receipt Of The Signed Grant Agreement, And The Balance To Be Paid In August 2017, To Be Used To Fully Fund A Part Time (80 Percent) Position As The Mayor's Policy Director For Art Spaces For A Two-Year Period.

[16-0153](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.4** Subject: Compromise And Settle The Case Of Fu Ming Zhang V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Fu Ming Zhang V.City Of Oakland, Et Al., Alameda County Superior Court Case No. RG15779485, City Attorney's File No. 30611, In The Amount Of Sixty Thousand Dollars (\$60,000.00) (Public Works - Motor Vehicle Collision)

[16-0155](#)

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/4/2016

- 4.5** Subject: Elba Becerra V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Elba Becerra V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG15-772706, In The Amount Of Seventy Five Thousand Dollars And No Cents (\$75,000.00) As A Result Of A Trip And Fall Accident On April 2, 2015 (Public Works - Dangerous Condition)

[16-0156](#)

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/4/2016

- 4.6 Subject: James Barrett V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of James Barrett V.City Of Oakland, Alameda County Superior Court Case No. RG15777910, City Attorney's File No. 30502, In The Amount Of Thirty Five Thousand Dollars (\$35,000.00) (Public Works - Dangerous Condition)
[16-0157](#)

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/4/2016

- 4.7 Subject: Resolution Opposing Closure of Alta Bates Hospital
From: Council President Gibson McElhaney, Pro Tempore Reid, Councilmember Kaplan And City Attorney Barbara Parker
Recommendation: Adopt A Resolution (1) Opposing The Closure Of Alta Bates Hospital, (2) Directing The City Administrator To Work With The City's Lobbyist And All Relevant Government Agencies To Ensure A Continuity Of High Quality Medical Services For Oaklanders, And (3) Directing The City Administrator To Consult With The City Attorney And Prepare A Confidential Opinion For City Council With Legal Options To Prevent The Closure
[16-0119](#)

Councilmember Kalb made a motion seconded by Councilmember Guillen to approve the urgency finding on item 4.7 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 9/20/2016

- 4.8 Subject: Acceptance Of Grant Funds From The Oakland Public Education Fund
From: Office Of The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The Oakland Public Education Fund In The Total Amount Of Two Hundred Seven Thousand Dollars (\$207,000) To Be Used To Provide Full Funding For The Mayor's Director Of Education For The Remainder Of Fiscal Year 2017 (November 2016-June 2017)
[16-0150](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.9** Subject: Fire And Police Trainees
From: Hunman Resources Managemnet Department
Recommendation: Adopt A Resolution Recommending To The Civil Service Board That The Classifications Of Fire Fighter Trainee, Fire Fighter Paramedic Trainee, And Police Officer Trainee Be Exempted From Civil Service
[16-0141](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.10** Subject: On-Call Construction Contract Amendment For DC Construction
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator, Or Designee, To Amend The On-Call Construction Contract With DC Construction Increasing The Total Contract Amount From Six Hundred Thousand Dollars (\$600,000.00) To Seven Hundred Twenty-Five Thousand Dollars (\$725,000.00)
[16-0132](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/27/2016

- 4.11** Subject: I.T. Salary Ordinance Amendment
From: Human Resources Management
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Change The Titles Of Information Systems Supervisor And Information Systems Manager To Information Systems Manager I And Information Systems Manager II, Respectively; And To Increase The Salary Rate For Information Systems Manager I
[16-0137](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.12** Subject: Equal Access To Services Annual Compliance Report
From: Human Resources Management
Recommendation: Receive An Informational Report Regarding The Annual Equal Access To Services Ordinance Compliance Report For Fiscal Year 2015-2016
[16-0138](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.13** Subject: Salary Ordinance Amendment - Various Classifications
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Permanent Part-Time Classifications Of Early Head Start Instructor, PPT, Head Start Instructor, PPT, And Van Driver, PPT; Reactivate And Amend The Title Of Curator Of History, Chief, To Curator Of African American Museum & Library At Oakland (AAMLO), Chief; Correct The Salary Rates For Cable TV Production & Operations Manager, Environmental Services Analyst, Assistant, And Capital Improvement Project Coordinator, Assistant; Adjust The Title Of Police Program And Performance Auditor To Police Program And Performance Audit Supervisor; And Adjust The Title Of Americans With Disabilities Act (ADA) Projects Coordinator To Disability Access Coordinator
[16-0140](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 9/27/2016

- 4.14** Subject: State Youth Soccer Grant
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept, And Appropriate Grant Funds From The California Youth Soccer And Recreation Development Program For The Rainbow Recreation Center Renovation Project In An Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000.00) And For The Raimondi Park Phase Two Synthetic Field In An Amount Not-To-Exceed One Million Dollars (\$1,000,000.00)
[16-0133](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/27/2016

- 4.15** Subject: Rehabilitation Of Sanitary Sewers
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Campus Drive, Mountain Boulevard, Knoll Avenue And Rusting Avenue (Project No.C329147) And With Contractor's Bid In The Amount Of Two Million Seven Hundred One Thousand One Hundred Eighty-Two Dollars (\$2,701,182.00)
[16-0134](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/27/2016

4.16 Subject: Encroachment Permit
From: Oakland Public Works
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permits To Center For Elders' Independence To Allow Portion Of The Building Below Sidewalk At 510 17th Street To Encroach Into Public Right-Of-Way Along 17th Street; And
[16-0129](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/27/2016

2) Resolution Granting A Conditional And Revocable Major Encroachment Permit To Bay Devre, LLC To Allow Portion Of Existing Building Above Sidewalk At 3139 To 3149 West Street To Encroach Into The Public Right-Of-Way Along West Street And 32nd Street; And
[16-0130](#)

This City Resolution be Scheduled.to go before the *Public Works Committee - CANCELLED to be heard 9/27/2016

3) Resolution Granting A Conditional And Revocable Major Encroachment Permit To Jean W. SETO, Trustee Of The Jean W. SETO Living Trust, To Allow Architectural Features Above Sidewalk At 580 Grand Avenue To Encroach Into Public Right-Of-Way Along Burk Street And Grand Avenue, Encroachment Permit ENMJ16061.
[16-0131](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 9/27/2016

4.17 Subject: East Bay Economic Development Alliance Presentation
From: Council President Gibson McElhaney
Recommendation: Receive A Presentation From The East Bay Economic Development Alliance
[16-0147](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 9/27/2016

- 4.18** Subject: Actions To Preserve Residential Hotels For Low Income Oaklanders
From: Councilmember Gibson McElhaney, Reid and Guillen
Recommendation: Adopt A Resolution (1) Requesting The City Planning Commission To Consider Zoning Regulation Changes To Further Preserve Residential Hotels For Very Low And Low Income Residents, (2) Strengthening Tenant Protections And (3) Directing The City Administrator To Prepare Options To Preserve Oakland's Supply Of Residential Hotels Available For Very Low And Low Income Residents
[16-0144](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 9/27/2016

- 4.19** Subject: State Of CSEC (Commercial Sexual Exploitation Of Children) Annual Report
From: Vice Mayor Annie Campbell Washington
Recommendation: Receive An Informational Report On The Status Of Commercial Sexual Exploitation Of Children In Oakland From The City Of Oakland CSEC Task Force
[16-0139](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 9/27/2016

- 4.20** Subject: 2016-2017 Unity Council Agreement Amendment
From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Grant Agreement With Unity Council For Head Start And Early Head Start Services From July 1, 2016 To June 30, 2017 To Increase The Grant By Up To \$200,199, For A Total Grant Amount Of \$4,689,123
[16-0135](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 9/27/2016

- 4.21** Subject: State Of Emergency For The Homeless Population Living In Encampments
From: President Pro Tem Larry Reid
Recommendation: Adopt A Resolution Declaring A State Of Emergency For The Homeless Population And Encampments And Direction To The City Administrator To Establish A Homeless Commission To Address Possible Solutions To Assist The Homeless Population
[16-0136](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee

- 4.22** Subject: Police Commission Charter Amendment Enabling Ordinance
From: Councilmembers Dan Kalb And Noel Gallo
Recommendation: Adopt An Ordinance (1) Enabling The City Charter Amendment Creating The Oakland Police Commission And The Community Police Review Agency And (2) Establishing A Civilian Inspector General On The September 27, 2016 Public Safety Committee Agenda
[16-0152](#)

This City Resolution be Withdrawn with No New Date.

- 4.23** Subject: Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Tracie Mason To The Housing, Residential Rent And Relocation Board
[16-0149](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 9/29/2016

- 4.24** Subject: Naming Grove In Defremery Park In Honor Of Bobby Hutton
From: Council President Gibson McElhaney And Pro Tempore Reid
Recommendation: Adopt A Resolution To Name The Grove In Defremery Park As 'Bobby Hutton Grove' In Commemoration Of The 50TM Anniversary Of The Founding Of The Black Panther Party
[16-0143](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 9/29/2016

- 4.25** Subject: Ellis Act For Preservation Of Residential Hotels In Oakland
From: Council President Gibson McElhaney And Councilmember Guillen
Recommendation: Adopt A Resolution Urging The State Legislature And Governor To Amend The Ellis Act (Government Code SEC. 7060 ET SEQ.) To Permit All California Cities To Effectively Regulate Residential Hotels
[16-0145](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 9/29/2016

- 4.26** Subject: Appeal Of Planning Commission Approval
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeals Of The Coalition Of Neighborhood Stakeholders And Oakland Residents For Responsible Development And Thus Upholding The Planning Commission's Approval Of A Proposal To Construct 262 Dwelling Units Over Approximately 13,000 Square Feet Of Retail Located At 226 13th Street, Oakland CA (Project Case No. PLN15-320), Including Adopting CEQA Exemptions (15183 & 15183.3) And An Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR)
[16-0151](#)

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/4/2016

Additional Requests Submitted On The Dias

- 1** Subject: Police Chief Recruitment Input
From: Office Of The City Administrator
Recommendation: Informational Report To Provide An Update On The Police Chief Recruitment And To Gather Feedback From The Public Safety Committee (PSC) About Desired Qualities In A New Police Chief
[16-0084](#)
- 2** Subject: Standing Rock Sioux Tribe's Opposition To Construction
From: Councilmembers Kaplan, Guillen And Kalb
Recommendation: Adopt A Resolution Proclaiming The City Of Oakland's Support For The Standing Rock Sioux Tribe's Opposition To The Construction Of The Dakota Access Pipeline
[16-0159](#)
- Subject: Supplemental Funding For Neighborhood Career Centers In East, West, And Central Oakland
From: Pro Tempore Reid
Recommendation: As Previously Directed By The Community And Economic Development Committee To The City Administrator, To Provide Additional Funding To Enable Neighborhood Career Centers To Continue Operaiton Through June 30, 2017
[16-0203](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/25/2016

- 5 A Review Of The Council Committees' Actions From September 13, 2016 And Determination Of Scheduling To The City Council Meeting Of September 20, 2016 (MATRIX)
[16-0079](#)

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

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- 6 A Review Of The Agendas For The Council Committee Meetings Of September 27, 2016 And The Rules And Legislation Committee Of September 29, 2016
[16-0080](#)

The agendas were amended to incorporated those items previously approved under item 4 and item 5 of this agendas. And to delete itme 3 on the draft Life Enrichment Committee agenda.

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

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- LEC - Subject: Equal Access Protocol & Timeline For Translating Documents
4 From: Councilmembers Kaplan, Guillen, and Gallo
Recommendation: Receive An Informational Report From The Office Of Equal Access On Their Protocol And Timeline For Translating Documents For : (1) Translating Documents, Including The Translation Of Legislative Calendar Templates, Recently Distributed Agendas For City Council And Committees; (2) For A List Of Departments That Equal Access Is Currently Working With On Translation Of Materials; (3) To Include Possible Action On How To Better Serve The Constituents Of Oakland
[15-1296](#)

This Informational Report be Withdrawn with No New Date.

Open Forum (Total Time Available: 15 Minutes)

There were 7 speakers 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 12.48 p.m.

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit

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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.