



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 - SUPPLEMENTAL

*Rules & Legislation Committee

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

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

Thursday, September 20, 2018

10:45 AM

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.

Roll Call / Call To Order

COMMITTEE MEMBERSHIP:

Lynette McElhaney, District 3; President Pro Tempore Abel J. Guillén, District 2; Vice Mayor Campbell Washington, District 4; Chairperson: President Reid, District 7

1 Determinations Of Closed Session

[18-0838](#)

Attachments: [View Report](#)

2 Approval Of The Draft Minutes From The Committee Meeting Of July 5 and 12, 2018

[18-0839](#)

Attachments: [View Report](#)

[View Report](#)

3 Determination Of Schedule Of Outstanding Committee Items

[18-0840](#)

Attachments: [View Report](#)

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

[18-0841](#)

Attachments: [View Report](#)

[View Report](#)

4.1 Subject: Cannabis Ordinance Technical Amendments
From: Office Of The City Administrator
Recommendation:

[OLD TITLE]

Adopt An Ordinance Amending Chapters 5.80 And 5.81 Of The Oakland Municipal Code To: 1) Delete Section-5.81.110(B), Which Prohibits Enforcement Of Violations Of Chapter 5.81 Once A Permit Application Is Pending; 2) Align Chapter 5.81 Permit Types With State Law By Adding Packaging And Infusion Permit Categories; 3) Limit The Number Off Dispensary Permits To Two Per Individual Or Entity; 4) Clarify The Distance Requirements Between Cannabis Facilities And Schools; 5) Limit The Number Of Special Event Permits For Cannabis Activities; 6) Allow Ancillary Cannabis Activities, Including But Not Limited To Packaging, Distribution, And Infusion, At The Site Of A Permitted Dispensary; And 7} Add A Public Hearing Requirement For All Cannabis Uses Within 300 Feet Of A Residential Zone

[NEW TITLE]

Adopt An Ordinance Amending Permitting Requirements For Medical And Adult-Use Cannabis Dispensaries, Cultivation, Manufacturing And Other Facilities (Chapters 5.80 And 5.81 Of The Oakland Municipal Code) To: 1) Delete Section 5.81.110(B), Which Prohibits Enforcement Of Violations Of Chapter 5.81 Once A Permit Application Is Pending; 2) Align Chapter 5.81 Permit Types With State Law By Adding Packaging And Infusion Permit Categories; 3) Limit The Number Of Dispensary Permits To Two Per Individual Or Entity; 4) Clarify The Distance Requirements Between Cannabis Facilities And Schools; 5) Limit The Number Of Special Event Permits For Cannabis Activities; 6) Allow Ancillary Cannabis Activities, Including But Not Limited To Packaging, Distribution, And Infusion, At The Site Of A Permitted Dispensary; And 7) Add A Public Notice Requirement For All Cannabis Uses Within 300 Feet Of A Residential Zone; On The October 2, 2018 City Council Agenda As A Consent Item For Final Passage [18-0679](#)

- Attachments:** [View Report](#)
 [View Supplemental Report 7-13-2018](#)
 [View Supplemental Report 7-20-2018](#)

Legislative History

6/28/18	*Rules & Legislation Committee	Scheduled to the *Special Public Safety Committee
7/17/18	*Special Public Safety Committee	Approved the Recommendation of Staff, and Forward to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

The committee directed staff to do more community outreach, notice the residents of the community, and remove the public hearing requirement.

7/24/18	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
9/17/18	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council	Approved for Final Passage

- 4.2** Subject: Resolution Authorizing Grant For Attitudinal Healing Connection
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$2,000 From Councilmember Kaplan's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For A Mural On 32nd Street Between San Pablo Avenue And Filbert Street; On The October 2, 2018 City Council Meeting As A Consent Item
18-0901
- 4.3** Subject: Settlement Agreement - Michael Lewis And Lisa Lewis 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 Michael Lewis And Lisa Lewis V. City Of Oakland, Alameda County Superior Court Case No. RG16842881, City Attorney's File No. 31268, In The Amount Of One Million Seven Hundred And Fifty Thousand Dollars And Zero Cents (\$1,750,000.00) (Office Of Public Works - Wrongful Death); On The October 2, 2018 City Council Agenda As A Consent Item
18-0921
- 4.4** Subject: Settlement Agreement - Nancy McAfee, Et Al. 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: Nancy McAfee, Et Al. V. City Of Oakland, Alameda County Superior Court Case No. Rg17846121 In The Amount Of One Million Dollars And No Cents (\$1,000,000.00) Arising From A January 12, 2016 Trip-And-Fall Incident On The Sidewalk On The 5700 Block Of Dover Street (Department Of Transportation - Dangerous Condition); On The October 2, 2018 City Council Agenda As A Consent Item
18-0922

4.5 Subject: Major Encroachment Permit At 350 Hawthorne Avenue
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Sutter Bay Hospitals, A California Nonprofit Benefit Corporation DBA Alta Bates Summit Medical Center, To Allow A New Emergency Drop Off Canopy Structure Above Grade At 350 Hawthorne Avenue To Encroach Into The Public Right-Of-Way On 34th Street, Major Encroachment Permit ENMJ18058; On The October 9, 2018, Public Works Committee Agenda

18-0902

4.6 Subject: Seismic Retrofit Of 23rd Avenue Bridge Over UPRR (1001681)
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars (\$10,025,000.00) In Federal Highway Administration And State Proposition 1B Funds For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681); And

18-0903

2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Proven Management, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681) In The Amount Of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars (\$6,358,777.00); And

18-0904

3) A Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00); On The October 9, 2018 Public Works Committee Agenda

18-0905

4.7 Subject: Climate Emergency Resolution
From: Councilmembers Kaplan, Kalb, Mayor Schaaf, And City Attorney Parker
Recommendation: Adopt A Resolution Endorsing The Declaration Of A Climate Emergency And Requesting Regional Collaboration On An Immediate Just Transition And Emergency Mobilization Effort To Restore A Safe Climate; On The October 23, 2018 Public Works Committee Agenda

18-0882

Legislative History

9/13/18

*Rules & Legislation
Committee

* Withdrawn and Rescheduled to the *Rules
& Legislation Committee

*No action was taken on this item, it will be scheduled to return as a scheduling
item at the next Rules and Legislation committee.*

- 4.8** Subject: Transformative Climate Communities Program Grant
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Their Designee To Apply For, Accept, And Execute All Related Documents For Grant Funds In An Amount Of Twenty-Three Million Dollars (\$23,000,000) To Thirty-Three Million Dollars (\$33,000,000), Depending On The Grant Amount, From The State's Transformative Climate Communities (TCC) Program, Administered By The California Strategic Growth Council (SGC) And Department Of Conservation, For Projects Within Or Contiguous To The East Oakland Neighborhoods Initiative Project Area; On The October 9, 2018 Community & Economic Development Committee Agenda
18-0908
- 4.9** Subject: Resolution For State Grant Application Friends Of Peralta Hacienda
From: Oakland Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate Grant Funds In The Amount Of \$160,000 From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program For Youth Wildlife Activities; And 2) Enter Into A Grant Agreement With Peralta Hacienda Historical Park In The Amount Of \$160,000 For Use Of The Grant Funds To Provide Youth Wildlife Activities For The Four Year Grant Term; On The October 9, 2018 Life Enrichment Committee Agenda
18-0907
- 4.10** Subject: Request For A Report Different Homeless Services And Programs
From: Councilmember Kaplan
Recommendation: Approve A Report And Recommendation From The Administration Responding To Reso No 87129 And A New Location For "The Village"; On The October 9, 2018 Life Enrichment Committee Agenda
18-0924
- 4.11** Subject: Award Cultural Funding Program Grant To Karen Smith
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Cultural Arts Grant Agreement In An Amount Not To Exceed \$4,999 With Individual Artist Karen Smith.; On The October 9, 2018 Life Enrichment Committee Agenda
18-0909

- 4.12** Subject: Safe Parking Program For The Unsheltered
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Lakeshore Avenue Baptist Church In An Amount Not To Exceed \$300,000 To Provide A Safe Parking Program For The Unsheltered In Collaboration With The Interfaith Council of Alameda County (ICAC) For A Grant Term Commencing November 1, 2018 And Ending October 31, 2019; On The October 9, 2018 Life Enrichment Committee Agenda
18-0910
- 4.13** Subject: OPD 2018 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Seventeen Thousand And Six Hundred And Seventy-Six Dollars (\$217,676) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2018 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department; 2) Waiving The Advertising And Competitive Bidding Requirements For The Purchase Of DNA Typing Supplies From Three Companies: (1) Promega For Thirty-Five Thousand Nine Hundred Twenty Dollars (\$35,920), (2) Qiagen For Eleven Thousand Five Hundred Dollars (\$11,500), And (3) Thermofisher For Four Thousand Two Hundred And Forty-Four Dollars (\$4,244); And 3) Thermofisher For One Hundred Forty-Three Thousand Eight Hundred And Sixty-Four Dollars (\$143,864) For A DNA Typing Instrument; On The October 9, 2018 Public Safety Committee Agenda
18-0906
- 5** A Review Of The Draft Agendas For The City Council Meeting Of October 2, 2018 And The Rules And Legislation Committee Of October 4, 2018
[18-0842](#)
Attachments: [View Report](#)
- 6** Subject: Resolution In Support Of Props 1 & 2
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Proposition 1, The Housing Programs And Veterans' Loans Bond, And Proposition 2, Use Millionaire's Tax Revenue For Homelessness Prevention Housing Bonds Measure
[18-0824](#)
Attachments: [View Report](#)

Open Forum (Total Time Available: 15 Minutes)

Adjournment

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.**