



# City of Oakland

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

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Thursday, September 20, 2018

10:45 AM

City Council Chamber, 3rd Floor

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***The Oakland City Council Rules And Legislation Committee convened at 10:49, with Council President Reid presiding as Chairperson.***

### Roll Call / Call To Order

**Present** 4 - Lynette McElhaney, Abel J. Guillén, Laurence E. Reid, and Annie Campbell Washington

#### 1 Determinations Of Closed Session

[18-0838](#)

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

*There will be a Closed Session on October 2, 2018 at 3 pm.*

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

**Aye:** 4 - McElhaney, Guillén, Reid, and Campbell Washington

**NO VOTE:** 0

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

[18-0839](#)

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

[View Report](#)

**A motion was made by Lynette McElhaney, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:**

**Aye:** 4 - McElhaney, Guillén, Reid, and Campbell Washington

**NO VOTE:** 0

**3** Determination Of Schedule Of Outstanding Committee Items  
[18-0840](#)

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

*No Changes were made to the pending list.*

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

**Aye:** 4 - McElhaney, Guillén, Reid, and Campbell Washington

**NO VOTE:** 0

**4** Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
[18-0841](#)

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

[View Report](#)

*There were 3 speakers on this item.*

**This Report and Recommendation be Accepted as Amended.**

**Aye:** 4 - McElhaney, Guillén, Reid, and Campbell Washington

**NO VOTE:** 0

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

[NEW TITLE]

[18-0679](#)

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

[View Supplemental Report 7-13-2018](#)

[View Supplemental Report 7-20-2018](#)

[View Supplemental Report 9-21-2018](#)

[13504 CMS](#)

*The City Attorney request that this item be rescheduled for Final Passage.*

**This Ordinance be Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018**

- 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  
[18-0901](#)

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

[87355 CMS](#)

**Consent**

**This City Resolution be Scheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018**

**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)  
[18-0921](#)

**Attachments:** [View Report](#)  
[87356 CMS](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018**

**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 - Trip And Fall)  
[18-0922](#)

**Attachments:** [View Report](#)  
[87357 CMS](#)

**This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 10/2/2018**

**4.5** Subject: Major Encroachment Permit At 350 Hawthorne Avenue  
From: Department Of Transportation  
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  
[18-0902](#)

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

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 10/9/2018**

**4.6** Subject: Seismic Retrofit Of 23rd Avenue Bridge Over UPRR (1001681)  
From: Department Of Transportation  
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 (Project No. 1001681); And [18-0903](#)

Attachments: [View Report](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 10/9/2018**

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](#)

Attachments: [View Report](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 10/9/2018**

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) [18-0905](#)

Attachments: [View Report](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 10/9/2018**

**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 [18-0882](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 10/23/2018**

**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

[18-0908](#)

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

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 10/9/2018**

**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 To Expand 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 Expanded Youth Wildlife Activities For The Four-Year Grant Term.

[18-0907](#)

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

**This City Resolution be Scheduled.to go before the \*Life Enrichment Committee to be heard 10/9/2018**

**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”

[18-0924](#)

**This Report and Recommendation be Scheduled.to go before the \*Life Enrichment Committee to be heard 10/23/2018**

**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](#)

**This City Resolution be Withdrawn with No New Date.**

- 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 A Fiscal Sponsor On Behalf Of The Interfaith Council Of Alameda County In An Amount Not To Exceed \$300,000 To Provide A Safe Parking Program For Persons Living In Vehicles For A Grant Term Commencing On November 1, 2018 And Ending October 31, 2019; And If Additional Funds Become Available Amend The Grant Agreement To Increase The Grant Amount For The Provision Of Additional Safe Parking Sites Within The Grant Term

[18-0910](#)

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

**This City Resolution be Scheduled.to go before the \*Life Enrichment Committee to be heard 10/9/2018**

- 4.13** Subject: OPD 2018 DNA Backlog Reduction Program  
From: Oakland Police Department  
Recommendation: Adopt A Resolution: 1) 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

[18-0906](#)

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

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 10/9/2018**

- 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](#)

**CHANGES MADE TO THE DRAFT OCTOBER 2, 2018 CITY COUNCIL AGENDA**

Subject: Clean Air Day Resolution  
From: Councilmember Kalb And Councilmember McElhaney  
Recommendation: Adopt A Resolution Supporting California's First Clean Air Day And Recognizing October 3, 2018 As Clean Air Day In The City Of Oakland  
[18-0895](#)

**Attachments:** [View Report](#)  
[View Supplemental Report 9/27/2018](#)  
[87354 CMS](#)

*This Item was moved to the Consent calendar.*

**This City Resolution be Scheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018**

**6** Subject: Resolution In Support Of Props 1 & 2  
From: Councilmember Kalb And President Reid  
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](#)  
[View Supplemental Report](#)  
[87358 CMS](#)

*President Reid request to be added as a cosponsor.*

**This City Resolution be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018**

**Aye:** 4 - McElhaney, Guillén, Reid, and Campbell Washington

**NO VOTE:** 0

**Open Forum (Total Time Available: 15 Minutes)**

*3 speakers spoke 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 12:02 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.**