



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>

Thursday, February 7, 2019

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules & Legislation Committee convened at 11:00 a.m., with Councilmember Thao presiding as Chairperson.

Roll Call / Call To Order

Present 4 - Dan Kalb, Rebecca Kaplan, Sheng Thao, and Lynette McElhane

1 Determinations Of Closed Session

[18-1309](#)

Attachments: [View Report](#)

A Special Closed Session is Scheduled for February 26, 2019 beginning at 2:00 p.m.

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

Aye: 4 - Kalb, Kaplan, Thao, and McElhane

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of January 24, 2019

[18-1310](#)

Attachments: [View Report](#)

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

Aye: 4 - Kalb, Kaplan, Thao, and McElhane

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items

[18-1311](#)

Attachments: [View Report](#)

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

Aye: 4 - Kalb, Kaplan, Thao, and McElhane

NO VOTE: 0

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[18-1312](#)

Attachments: [View Report](#)

There were 8 speakers on this item

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

- 4.1 Subject: Police Commission Appointments
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Accepting The Selection Panel's Slate Of One Alternate Police Commissioner (Tara Anderson) To Serve On The City Of Oakland Police Commission
[18-1392](#)

Attachments: [View Report](#)

[87540 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 2/26/2019

- 4.2 Subject: Declaring Local Emergency on Homelessness
From: Council President Kaplan
Recommendation: Adopt A Resolution Declaring A Local Emergency With Regard To The City's Homelessness Crisis
[18-1394](#)

Attachments: [View Report](#)

[87538 CMS](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 2/26/2019

4.3 Subject: Pacific Boychoir Academy’s 20th Anniversary Resolution
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution Celebrating The Pacific Boychoir Academy’s
Twenty Years In Oakland
[18-1390](#)

Attachments: [View Report](#)
[87541 CMS](#)

**This City Resolution be Scheduled.to go before the Special Concurrent Meeting
of the Oakland Redevelopment Successor Agency/City Council to be heard
2/26/2019**

4.4 Subject: 0 Mandela Parkway Appeal
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution
Denying The Appeal By Unite Here Local 2850, And Thus Upholding The Oakland City
Planning Commission’s Approval Of 1) A Major Conditional Use Permit To Construct A
Six Story Building Consisting Of 220 Rooms Measuring Approximately 142,813 Square
Feet Of Floor Area, 2) A Minor Conditional Use Permit For Transient Habitation (Hotels)
And Non-Residential Tandem Parking, 3) A Variance Of The Front Setback And 4)
Related California Environmental Quality Act (CEQA) Findings For The Proposed
Building Located At 0 Mandela Parkway Oakland Ca. (Project Case No. PLN16394)
18-1391

Attachments: View Report

As A Public Hearing

**This City Resolution be Scheduled.to go before the Special Concurrent Meeting
of the Oakland Redevelopment Successor Agency/City Council to be heard
2/26/2019**

4.5 Subject: Settlement Agreement -Miles Rappaport, Et Al. 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 Miles Rappaport, Et Al. V. City Of Oakland, Et Al.,
Alameda County Superior Court Case No. RG18889056, In The Amount Of
Seventy-Seven Thousand, Five Hundred Dollars And No Cents (\$77,500.00) As A Result
Of A Vehicle Collision On January 21, 2017 (Oakland Police Department - Vehicle
Collision)
[18-1396](#)

Attachments: [View Report](#)
[87542 CMS](#)

**This City Resolution be Scheduled.to go before the Special Concurrent Meeting
of the Oakland Redevelopment Successor Agency/City Council to be heard
2/26/2019**

- 4.6 Subject: Schedule First Meeting Of The Education Partnership Committee
From: Councilmember Nikki Fortunato Bas
Recommendation: Schedule The First Meeting Of The Education Partnership Committee
On February 28, 2019, At 6:00pm
[18-1393](#)

*The Committee approved to schedule a Education Partnership meeting for
Thursday February 28, 2019 at 6:00 p.m. in Hearing Room 1*

This Report and Recommendation be Accepted.

- 4.7 Subject: Pro-Active System To Address Illegal Dumping
From: Council President Kaplan
Recommendation: Adopt A Resolution Requesting The City Administrator To Consider
Prioritizing A Pro-Active "Block By Block" Zone Based System To Address Blight And
Illegal Dumping
[18-1395](#)

Attachments: [View Report](#)
[View Supplemental Report](#)
[View Supplemental Report 3/8/2019](#)
[87572 CMS](#)

**This City Resolution be Scheduled.to go before the *Special Public Works
Committee to be heard 3/5/2019**

- 4.8 Subject: 2019 Strategic Plan Of Action: Oakland Fire Department
From: Councilmember Gallo
Recommendation: Receive An Informational Report From The Oakland Fire Department
(OFD), Including the 2018-2020 Workplan and 2020- 2025 Strategic Plan
[18-1380](#)

Attachments: [View Report](#)

**This Informational Report be Scheduled.to go before the *Public Safety
Committee to be heard 4/9/2019**

- 4.9 Subject: 2019 Strategic Plan Of Action: OPD And Neighborhood Services
From: Councilmember Gallo
Recommendation: Receive An Informational Report From The Oakland Police
Department (OPD), Including Neighborhood Services On Their 2019 Strategic Plan Of
Action
[18-1397](#)

Attachments: [View Report](#)

**This Informational Report be Scheduled.to go before the *Public Safety
Committee to be heard 4/9/2019**

- 4.10** Subject: Interim Emergency Ordinance For Owner-Occupied Duplexes And Triplexes
From: Councilmember Bas
Recommendation: Adopt An Interim Emergency Ordinance To: 1) Temporarily Eliminate The Exemptions From Rent Control For Owner-Occupied Duplexes And Triplexes; 2) Place A Moratorium On Rent Increases Above The Annual CPI Adjustment For Owner-Occupied Duplexes And Triplexes; 3) Affirm The City's Prohibition On Illegal Evictions; And 4) Affirm The City's Duty To Publicize City Policies Establishing Tenant Rights
[18-1398](#)

Attachments: [View Report](#)
[13519 CMS](#)

DUE TO THE PRESENCE OF COUNCILMEMBER BAS, 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 11:25 A.M.

A title change was read into record

The Committee canceled the February 14, 2019 Rules and Legislation Committee and scheduled a Special City Council Meeting on February 14, 2019 at 11:30 a.m.

This Ordinance be Scheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 2/14/2019

- 5** A Review Of The Draft Agendas For The Council Committee Meetings Of February 19, 2019 And The Rules And Legislation Committee Of February 21, 2019
[18-1313](#)

Attachments: [View Report](#)

CHANGES TO THE DRAFT AGENDAS FOR THE COUNCIL COMMITTEE MEETINGS OF FEBRUARY 19, 2019 AND RULES AND LEGISLATION COMMITTEE OF FEBRUARY 21, 2019

CHANGES MADE TO SPECIAL FINANCE & MANAGEMENT COMMITTEE MEETING

Staff requested that item 9 regarding "Authorizing to examine sales and use tax records" be heard after item 11 "OPED Funding Policy"

Subject: Electrical Equipment And Supplies Contract
From: Finance Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award A Contract To Francisco Electric Supply, A Corporation, The Lowest Responsive And Responsible Bidder, A Small Local Business Enterprise To Provide Street Light Traffic Signal Standards And Accessories In The Annual Amount Not To Exceed One Million, Seven Hundred Ninety-Seven Thousand Eight Hundred Nineteen Dollars And Nine Cents (\$1,797,819.09) For The Period Of March 4, 2019 To March 3, 2020 In Accordance With The Terms And Conditions In Specification 19-285-00/RFQ 130425
[18-1347](#)

Attachments: [View Report](#)
[87548 CMS](#)

A title change was read into record at the February 7, 2019 Rules and Legislation Committee

This City Resolution had a title Change

Subject: Ordinance Harmonizing Cannabis Business Tax Rates
From: Council President Pro Tempore Kalb And Council President Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 5, Chapter 5.04, Section 5.04.481, Non-Medical Cannabis Businesses, To Reduce The Tax Rate For Non-Medical Cannabis Businesses To Be The Same As The 2019 Medical Cannabis Business Tax Rate Of \$50.00 Per \$1,000.00 Of Gross Receipts Or Fraction Thereof
[18-1321](#)

Attachments: [View Report](#)
[View City Administrator Report](#)

This Ordinance be Rescheduled.to go before the *Special Finance & Management Committee to be heard 3/19/2019

CHANGES MADE TO SPECIAL PUBLIC WORKS COMMITTEE MEETING AGENDA

Subject: As-Needed Pavement Rehabilitation Services
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Awarding A Construction Contract For As-Needed Pavement Rehabilitation Services To McGuire & Hester, The Lowest Responsive And Responsible Bidder, In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred And Eighty-Two Thousand, Two Hundred Dollars (\$10,982,200.00); And [18-1355](#)

Attachments: [View Report](#)
[87555 CMS](#)

A title change was read into record at the February 7, 2019 Rules and Legislation Committee

This City Resolution had a title change

2) A Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator Award A Construction Contract For As-Needed Pavement Rehabilitation Services To Gallagher & Burke, Inc., In Accordance With Contractor's Bid In An Amount Not To Exceed Ten Million, Nine Hundred And Ninety-Four Thousand, Six Hundred Dollars (\$10,994,600.00) [18-1356](#)

Attachments: [View Report](#)
[87556 CMS](#)

A title change was read into record at the February 7, 2019 Rules and Legislation Committee

This City Resolution had a title change

CHANGES MADE TO SPECIAL COMMUNITY AND ECONOMIC COMMITTEE MEETING

Staff stated that item 3 regarding "2017-2018 consolidated annual performance and evaluation report" be noted as a Public Hearing

Subject: Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420
From: Councilmember Gallo
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420, Excluding From The Business Tax On Rental Of Residential Property: (1) Rental Of No More Than Three Bedrooms In An Owner Occupied Residence, Duplex And/Or In-Law Unit; Or (2) Rental Under A Tenant-Based Assistance Program Pursuant To Section 8 Of The U.S. Housing Act Of 1937
[18-0973](#)

Staff requested to move this item to the Pending - No Date Specific

This Ordinance be Rescheduled.to go before the *Community & Economic Development Committee

Subject: Encourage The Development Of Transit-Oriented And Affordable Housing
From: Council President Kaplan
Recommendation: Adopt A Resolution Requesting Bureau Of Planning Staff To Study And The Planning Commission To Consider Incentives To Encourage Transit-Oriented Housing, Including Affordable Housing, In The City Of Oakland, Such As Allowing Greater Height And Density And Reduced Parking Requirements On Transit Corridors, And To Forward Its Recommendations For Action To The City Council
[18-0879](#)

Attachments: [View Report](#)
[87579 CMS](#)

This City Resolution be Rescheduled.to go before the *Special Community & Economic Development Committee to be heard 3/5/2019

CHANGES MADE TO SPECIAL PUBLIC SAFETY COMMITTEE MEETING AGENDA

Subject: FY 2017/18 Justice Assistance Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate The Fiscal Year 2017 And 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In The Amounts Of Five Hundred Thirty-Five Thousand, Three-Hundred Twenty-Four (\$535,324) For October 1, 2016 Through September 30, 2020, And Four Hundred Seventy-Three Thousand Nine Hundred Ninety-two Dollars (\$473,992) For October 1, 2017 Through September 30, 2021 To Upgrade Equipment And Fund Department-Wide Training
[18-1351](#)

6 Subject: New California State Laws
From: Office Of the City Attorney
Recommendation: Receive An Informational Report And Briefing From The City Attorney's Office On All New California State Laws Which Become Effective In 2018
[18-1322](#)

Attachments: [View Report](#)

There was 1 speaker on this item

The Roll Call was modified to note Councilmember McElhaney absent at 12:06 p.m.

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 3 - Kalb, Kaplan, and Thao

Absent: 1 - McElhaney

NO VOTE: 0

7 Subject: Housing, Residential Rent And Relocation Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of Kathleen Sims As An Alternate Landlord Member, Hannah Flanery As An Alternate Tenant Member, Julia Ma Powers As An Alternate Neutral Member To The Housing, Residential Rent And Relocation Board
[18-1320](#)

Attachments: [View Report](#)

[View Supplemental Report 1/25/19](#)

[View Revised Supplemental Report 2/8/19](#)

[87583 CMS](#)

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Rescheduled to go before the *Rules & Legislation Committee, to be heard 2/21/2019. The motion carried by the following vote:

Aye: 3 - Kalb, Kaplan, and Thao

Absent: 1 - McElhaney

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

There was 2 speakers on this item

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:32 p.m.

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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.**