



City of Oakland

Office of the City Clerk
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Oakland, California 94612
LaTonda Simmons, City
Clerk

Meeting Minutes - DRAFT *Rules & Legislation Committee

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

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

Thursday, September 19, 2019

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules & Legislation Committee convened at 10:56 a.m. with Councilmember Thao presiding as Chairperson.

Roll Call / Call To Order

The Roll Call was modified to show President Pro Tempore Kalb out his seat at 11:47 a.m.

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

1 Determinations Of Closed Session

[18-2174](#)

Attachments: [View Report](#)

There will be a Special Closed Session on October 1, 2019 at 2 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 There Are No Minutes For Approval

[18-2175](#)

3 Determination Of Schedule Of Outstanding Committee Items

[18-2176](#)

Attachments: [View Report](#)

There was 1 speaker on this item

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)
[18-2177](#)

Attachments: [View Report](#)

There were 4 speakers on this item

The Roll Call was modified to show President Pro Tempore Kalb out his seat at 11:47 p.m.

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:

Excused: 1 - Kalb

Aye: 3 - Kaplan, Thao, and McElhaney

NO VOTE: 0

4.1 Subject: Councilmembers Taylor And McElhaney Travel Reimbursement
From: Councilmembers Taylor And McElhaney
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmembers Loren Taylor And Lynette Gibson McElhaney's Costs Of Approximately \$8,135 From The Council Contingency Fund For Travel To Washington, DC For Attendance At The Congressional Black Caucus Foundation's Annual Legislative Conference From September 11-15, 2019
[18-2229](#)

Attachments: [View Report](#)

The Committee Approved that this item be scheduled as a Non-Consent item

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/1/2019

4.2 Subject: Accept And Appropriate Up To \$4,050,000 From 2019-2020 State Budget
From: Council President Kaplan
Recommendation: Adopt A Resolution Accepting And Appropriating Grant Funds In An Amount Up To \$4,050,000 To Be Awarded To The City Of Oakland From The 2019-2020 California State Budget And Authorizing The City Administrator To Execute Grant Agreements With: 1) Uncommon Law In An Amount Not To Exceed \$4,000,000; And 2) After Innocence In The Amount Not To Exceed \$50,000
[18-2244](#)

Attachments: [View Report](#)

The Committee Approved a Title Change read into record and to scheduled this item as a Consent Item

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/1/2019

4.3 Subject: Shelter Crisis Ordinance
From: Councilmember Bas And Council President Kaplan
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Emergency Ordinance Declaring A Shelter Crisis In The City Oakland; Making Findings That A Significant Number Of Persons Are Without The Ability To Obtain Shelter, And That The Situation Has Resulted In A Threat To The Health And Safety Of Those Persons; And Authorizing The City Administrator To Suspend Provisions Of State Or Local Regulatory Statutes, Regulations, And Ordinances Prescribing Standards Of Housing, Health, Or Safety For Additional Shelter Facilities If Needed
[18-2247](#)

Attachments: [View Report](#)

The Committee Approved to Change the item to an Emergency Ordinance and to scheduled as a Public Hearing

This Ordinance be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/1/2019

4.4 Subject: Settlement Agreement - Nicole Pifari 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 Nicole Pifari V. The City Of Oakland, Alameda County Superior Court Case No. RG16842544, In The Amount Of Three Hundred Fifty Thousand Dollars And No Cents (\$350,000.00) As A Result Of Alleged Employment Discrimination (Oakland Police Department)
[18-2254](#)

Attachments: [View Report](#)

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/1/2019

4.5 Subject: Rescind The "The Children's Initiative Of 2018"
From: Member Of The Public
Recommendation: Rescind The Action Item Of December 14, 2018 Where Members Of The Oakland City Council Voted Approving "The Children's Initiative Of 2018" AKA Measure AA Which Appeared On The November 6, 2018 General Election Ballot. The Measure Was A \$198.00 Parcel Tax Measure Where The Certified Election Results Of The Alameda County Registrar Of Voters Said The Measure Failed Because It Did Not Receive The Supermajority Or 2/3 Voter Approval For Passage. The Council 'S Action On December 14, 2018 Was Contrary To The Certified Election Results, Therefore Must Be Rescinded!; On A City Council Agenda As Soon As Possible
18-2255

The Agenda was modified to show item 4.5 and 4.7 being heard together

DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES & LEGISLATION COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:15 P.M.

This Report and Recommendation be Withdrawn with No New Date.

4.7 Subject: Consideration To Rescind
From: Councilmember Gallo
Recommendation: City Council Or Councilmember Consideration To Rescind Or To Continue To Approve The Vote Taken On December 14, 2018 Approving The Passage Of Measure AA; On The October 15, 2019 City Council Agenda
18-2257

This Report and Recommendation be Withdrawn with No New Date.

- 4.6** Subject: National Hispanic Heritage Month
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing September 15th Through October 15th Of The Year 2019 As “National Hispanic Heritage Month”; On The October 15, 2019 City Council Agenda As A Ceremonial Item
18-2256

The Committee Approved this item to be scheduled as A Ceremonial Item

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/15/2019

- 4.8** Subject: Update On Illegal Dumping
From: Oakland Public Works Department
Recommendation: Receive An Informational Report Providing An Update On Oakland Public Works’ Environmental Enforcement Program And Its Efforts To Address Illegal Dumping
18-2240

This Informational Report be Scheduled.to go before the *Public Works Committee to be heard 10/8/2019

- 4.9** Subject: Senate Bill 2 (2017) Planning Grant Program FY 2019-20
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept And Appropriate Funds From The Senate Bill 2 (2017) Planning Grant Program From The California Department of Housing And Community Development In An Estimated Amount Of Up To \$625,000 To Provide Funding For The Preparation, Adoption, And Implementation Of Plans And Policies That Streamline Housing Approvals, Accelerate Housing Production, And Increase Housing Stock From November 1, 2019 Through June 30, 2022
18-2239

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/8/2019

- 4.10** Subject: Informational Report On Draft Downtown Oakland Specific Plan
From: Planning And Building Department
Recommendation: Receive An Informational Report On The Draft Downtown Oakland Specific Plan (Draft Plan), Which Will Guide Development And Growth In The Downtown Area Over The Next Approximately 20 Years, And Propose Transformative Ideas To Connect The Community’s Goals To Strategic Actions Involving Land Use, Culture, Community Benefits, Economic Growth, And Housing
18-2242

This Informational Report be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/8/2019

4.11 Subject Disposition And Development Of The Fire Alarm Building At 1310 Oak Street
From: Councilmembers Bas And McElhaney
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Directing The City Administrator To Issue A Request For Proposals, Consistent With The Surplus Land Act, For The Disposition And Development Of The Property; Or

18-2249

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/8/2019

2) A Resolution Directing The City Administrator To Exercise The Waiver Of Competitive Process In Chapter 2.42.050 Of The Oakland Municipal Code And Issue A Surplus Land Act Notice For The Disposition And Development Of The Property, And If No Other Proposal Is Received, To Enter Into Exclusive Negotiation For The Lease And Development Of The Property With The Museum Of Jazz And Art

18-2250

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/8/2019

4.12 Subject: Public Information And Support For ADUS
From: Council President Kaplan
Recommendation: Adopt A Resolution Requesting The City Administrator To Consider Prioritizing The Following To Accelerate The Construction Of Accessory Dwelling Units ("ADUS"): 1) Provide The Public With A Point Person On ADUS Within The Planning And Building Department; 2) Provide The Public With An Easy To Read And Illustrated Package Regarding The Permitting Process Of ADUS; 3) Provide An Online Tool For Small Homeowners To Assess Their Ability To Construct A Permitted ADU; 4) Explore Options To Provide More Support To Low And Moderate Income Homeowners Or Those Seeking To Build ADUS For Section 8 Renters With A Report Back To Council; And 5) Implement Ongoing Regular Evening Hours At Building And Planning As Authorized In Fiscal Years 2019-21 Biennial Budget; On The October 22, 2019 Community And Economic Development Committee Agenda

18-2246

This City Resolution be No Action Taken.

- 4.13** Subject: Fiscal Year 2019-20 Cultural Funding Grants
From: Economic Workforce And Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into Ninety-One (91) Grant Agreements With Eighty-One (81) Oakland-based Individual Artists And Nonprofit Organizations Providing Arts And Cultural Services In Oakland During Fiscal Year 2019-20, In A Total Amount Not To Exceed \$1,221,044.15
18-2241

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/8/2019

- 4.14** Subject: Winter Shelter Authorization
From: Councilmember Taylor
Recommendation:

[OLD TITLE]

Receive An Informational Report From The Department Of Human Services On The Winter Shelter Authorization

[NEW TITLE]

Adopt A Resolution Authorizing City Administrator To Take The Following Actions To Provide Winter Shelter And Relief Efforts ; On The October 22, 2019 Life Enrichment Committee Agenda

[18-2217](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

- 4.15** Subject: PATH Plan
From: Councilmember Taylor
Recommendation:

[OLD TITLE]

Receive An Informational Report From The Department Of Human Services On The Permanent Access To Housing (PATH) Plan

[NEW TITLE]

Adopt A Resolution Authorizing The City Administrator To Enter Into Grant Agreements For The Permanent Access To Housing (PATH) Strategy; On The October 22, 2019 Life Enrichment Committee Agenda

[18-2223](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

4.16 Subject: HEAP Funds Allocation
From: Councilmember Taylor
Recommendation:

[OLD TITLE]

Receive An Informational Report From The Department Of Human Services On The State Of California Homeless Emergency Aid Program (HEAP) Funds Allocation

[NEW TITLE]

Adopt A Resolution Authorizing The City Administrator To Accept Funding From The State Of California Homeless Emergency Aid Program (HEAP) For Emergency Homeless Services; On The October 22, 2019 Life Enrichment Committee Agenda

[18-2224](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

4.17 Subject: OU Youth And CSEC Strategy Evaluations
From: Councilmember Taylor
Recommendation:

[OLD TITLE]

Receive An Informational Report From The Department Of Human Services On Oakland Unite's (OU) Youth And Commercial Sexual Exploited Children (CSEC) Strategy Evaluations

[NEW TITLE]

Receive An Informational Report Of The Strategy Evaluations By Mathematica Policy Research Of The Oakland Unite Services Funded Through The Safety And Services Act Of 2014 (Measure Z); On The November 12, 2019 Life Enrichment Committee Agenda

[18-2218](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 11/12/2019

4.18 Subject: AC-OCAP Annual Report And CSBG Resolution
 From: Councilmember Taylor
 Recommendation: Adopt The Following Pieces Of Legislation;

1) Receive The Alameda County-Oakland Community Action Partnership (AC-OCAP) Annual Report; And
[18-2214](#)

This Informational Report be Scheduled.to go before the *Special Life Enrichment Committee to be heard 12/3/2019

2) A Resolution Authorizing The City Administrator, Or Designee To Accept And Appropriate Funds From The Community Services Block Grant (CSBG) From The California Department Of Community Services And Development (CSD) On The December 3, 2019 Life Enrichment Committee Agenda
[18-2215](#)

This City Resolution be Scheduled.to go before the *Special Life Enrichment Committee to be heard 12/3/2019

4.19 Subject: OFCY Evaluation Report
 From: Councilmember Taylor
 Recommendation:

[OLD TITLE]

Receive An Informational Report From The Department Of Human Services On The Oakland Fund For Children And Youth (OFCY) Evaluation; On The November 12, 2019 Life Enrichment Committee Agenda

[NEW TITLE]

Adopt A Resolution Adopting The Oakland Fund For Children And Youth (OFCY) Evaluation Reports; On The December 3, 2019 Life Enrichment Committee Agenda
[18-2216](#)

This Informational Report be Scheduled.to go before the *Special Life Enrichment Committee to be heard 12/3/2019

4.20 Subject: Homeless Encampment Management Report
 From: Councilmember Bas
 Recommendation: Receive An Informational Report From The City Administrator On Progress Towards Implementing The Homeless Encampment Management Program Recommendations Approved By City Council On July 9, 2019; On The December 3, 2019 Life Enrichment Committee Agenda
18-2251

This Informational Report be Scheduled.to go before the *Special Life Enrichment Committee to be heard 12/3/2019

- 4.21** Subject: Human Trafficking Report
From: Councilmembers Bas And Gallo
Recommendation: Receive An Informational Report And Discussion On The Context, Strategies, Goals, Programs, Partnerships, Outcomes, And Best Practices To Address Human Trafficking From The Oakland Police Department (Including Focusing On Traffickers And Purchasers; "Rescuing," And Supporting Minors And Supporting Adults; Staff Training; Partnerships With Community Organizations; Collaboration With Other Agencies Including The County And District Attorney); The Human Services Department (Including Violence Prevention; Partnerships With Community Organizations That Serve Impacted Communities, Including CSEC); The Administration (Including Licensing Of Massage Parlors And Responding To Reports Of Trafficking); The Office Of Public Works And The Department Of Transportation (Including Environmental Deterrents); On The November 12, 2019 Public Safety Committee Agenda
18-2248

The Committee Approved a Title Change to make this item a Report and Recommendation

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 11/12/2019

- 4.22** Subject: Ballot Measure - Appropriations Limit Increase
From: Finance Department
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The March 3, 2020 Presidential Primary Election, A Proposed Increase To The Appropriation Limit For Fiscal Years 2020-21 Through 2023-24; And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct The March 3, 2020 Presidential Primary Election
18-2243

The Committee Approved a Title Change read into record

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/10/2019

- 4.23** Subject: Increased Funding For Undergrounding Of Utility Wires To Prevent Wildfires
From: President Pro Tempore Kalb
Recommendation: Adopt A Resolution In Support Of The League Of California Cities' Resolution To The California Public Utilities Commission (CPUC) Requesting That The CPUC Amend Rule 20A To Allow For The Addition Of Projects In Very High Fire Hazard Severity Zones To The List Of Eligibility Criteria For Utility Wire Undergrounding Projects To Help Prevent Wildfires And To Increase Funding Allocations For Rule 20A Projects
[18-2253](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/3/2019

- 4.24** Subject: Amending The City Of Oakland's Fiscal Year 2019-21 Biennial Budget
From: Council President Kaplan
Recommendation: Adopt A Resolution Amending The City Of Oakland's Fiscal Year 2019-21 Biennial Budget, Adopted By Resolution No. 87759 C.M.S. On June 24, 2019, To (1) Add To The Description Of Fund Uses For Line Item "Council Staff Increases" (Fund 1010) To Include Uses For Equipment, Travel, And Training And (2) To Designate The Funds For "Polling For Ballot Measures" (Fund 1010) To The Control Of The City Council; On The October 10, 2019 Rules And Legislation Committee Agenda
18-2245

This City Resolution be No Action Taken.

- 4.25** Subject: Resolution Recognizing Importance Of 2020 U.S. Census
From: Mayor Schaaf, Councilmember Bas And McElhaney
Recommendation: Adopt A Resolution Recognizing The Importance Of The 2020 U.S. Census And Encouraging All Residents To Participate In The Census To Ensure An Accurate Count For The City of Oakland
18-2252

Councilmember McElhaney requested to be added as a Co-Sponsor

This City Resolution be Scheduled to go before the *Rules & Legislation Committee to be heard 10/10/2019

CHANGES TO THE PREVIOUSLY DISTRIBUTED 10 DAY AGENDAS

CHANGES TO THE SEPTEMBER 24, 2019 FINANCE & MANAGEMENT COMMITTEE AGENDA

Subject: Business Tax Exemption For Small Landlords
From: President Pro Tempore Kalb And Councilmember Gallo
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420, To Fully Or Partially Exempt From The Business Tax On Residential Property Rentals Those Landlords With Personal Income Of 100 Percent Of Area Median Income Or Less Who Rent Out (1) Two Or Fewer Rooms From Their Single Family Home Of Personal Residence Or (2) A Unit From Their Owner-Occupied Two-Unit Parcel
[18-1769](#)

Attachments: [View Report](#)
[View Finance Report](#)
[View Supplemental Report 6/7/2019](#)

The Committee Approved a Title change read into record

This City Resolution be Rescheduled to go before the *Finance & Management Committee to be heard 10/8/2019

CHANGES TO THE FINANCE AND MANAGEMENT COMMITTEE PENDING LIST

The Committee Approved the following changes to the pending list

The item regarding " An Informational Report From The City Auditor On The Status Of Required Audits" be moved from Ami-Annual Reports to Annual reports begging the first meeting in March 2020

This be Accepted.

- 5 A Review Of The Draft Agendas For The City Council Meeting Of October 1, 2019 And The Rules And Legislation Committee Of October 3, 2019 [18-2178](#)

Attachments: [View Report](#)

There was 1 speaker on this item

CHANGES TO THE OCTOBER 1, 2019 CITY COUNCIL AGENDA

Subject: Honoring The Oakland Museum Of California
From: Councilmember Bas, President Kaplan And Councilmember McElhane
Recommendation: Adopt A Ceremonial Resolution Honoring The Oakland Museum Of California And Celebrating Its 50th Anniversary
[18-2090](#)

Attachments: [View Report](#)

Councilmember McElhane requested to be added as a Co-Sponsor

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/1/2019

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](#)

This City Resolution be * Withdrawn and Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/19/2019

Open Forum (Total Time Available: 15 Minutes)

4 speakers spoke during Open Forum.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:19 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.**