



City of Oakland

Office of the City Clerk
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Oakland, California 94612
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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, November 3, 2016

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules and Legislation Committee convened at 10:52 a.m. with President Pro Tempore Reid presiding as Chairperson.

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

Absent 1 - Lynette Gibson McElhaney

1 Determinations Of Closed Session

[16-0325](#)

Attachments: [View Report](#)

A Special Closed Session has been scheduled for November 14, 2016 at 2:30 - 4:30 pm.

A Special Closed Session has been scheduled for November 29, 2016 at 3:00 - 5:00 pm.

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

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

2 Approval Of The Draft Minutes From The Committee Meeting Of October 20, 2016

[16-0326](#)

Attachments: [View Report](#)

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

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

3 Determination Of Schedule Of Outstanding Committee Items
[16-0327](#)

Attachments: [View Report](#)

There were 3 speakers on this item.

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

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[16-0328](#)

Attachments: [View Report](#)

[View Report](#)

There were 3 speakers on this item.

Council President Gibson McElhaney was noted present at 10:59 am.

Member Of The Public Requested To Schedule A Ceremonial Item To Honor Colin Kaepernich. Council President Gibson McElhaney In Support Of This Request Will Bring It Back For Scheduling.

A motion was made by Lynette Gibson McElhaney, seconded by Abel J. Guillén, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

- 4.1** Subject: Fiscal Year 2016 Urban Area Security Initiative Program Grant Agreement
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To: 1. Enter Into The Urban Area Security Initiative (UASI) Grant Administration Agreement With The City And County Of San Francisco; 2. Accept, Appropriate, And Administer Up To One Million Sixty Three Thousand And Six Hundred Twenty Nine Dollars (\$1,063,629.00) UASI Grant Funds For Federal Fiscal Year (FY) 2016-18; 3. Approve The FY 2016-18 UASI Recommended Spending Plan And Authorize A Contribution From The General Purpose Fund In An Amount Equivalent To The Department’s Central Services Overhead (CSO) Charges Affiliated With Said Grant Estimated At Nineteen Thousand, Five Hundred Eighteen Dollars (\$19,518.00) For FY 2016-17 And Forty-Five Thousand, Five Hundred Forty-Two Dollars (\$45,542.00) For FY 2017-18; And 4. Expend Funds In Accordance With Said Recommended Spending Plan Without Further Council Approval Provided The City’s Hiring And Contract Services Requirements And Programs/Policies Are Followed.
[16-0383](#)

Sponsors: Oakland Fire Department and

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Special Public Safety Committee to be heard 11/15/2016

- 4.2** Subject: Compassionate Communities / Homeless Encampments 2016-2017
From: Human Services Department
Recommendation: Receive An Informational Report On The Compassionate Communities Pilot Program; And
[16-0238](#)

Sponsors: Human Services Department

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

This Informational Report be Scheduled.to go before the *Special Life Enrichment Committee to be heard 11/15/2016

2) Adopt A Resolution Authorizing The City Administrator To: Enter Into A Grant Agreement With Bay Area Community Services In An Amount Not To Exceed \$130,000 To Provide Services To The Homeless Encampment At 35th Street And Peralta Avenue For The Period Of October 1, 2016 Through June 30, 2017; And Accept And Appropriate Any Additional Encampment Services Funds That May Become Available From Alameda County, State Of California Community Services Block Grants, The City Of Emeryville, And Any Other Sources During The Period Of October 1, 2016 Through June 30, 2017 Without Returning To Council; And Amend The Above Grant Agreement To Increase The Grant Amount For Additional Encampment Services Efforts Within The Grant Term Of October 1, 2016 Through June 30, 2017 Without Returning To Council

[16-0385](#)

Sponsors: Human Services Department

This City Resolution be Scheduled.to go before the *Special Life Enrichment Committee to be heard 11/15/2016

4.3 Subject: OPD Required Training Regarding Sex Trafficking
From: Vice Mayor Annie Campbell Washington
Recommendation: Receive A Report And Action To Require Annual Training For All Sworn Employees In The Oakland Police Department To Educate On All Laws Pertaining To Sex Trafficking And Providing A Trauma-Informed Training To Recognize Signs Of Trauma Resulting From Victimization, Sexual Assault And Exploitation From The Commercial Sexual Exploitation Of Children, Informed And Delivered By An Advocacy Organization Working In The Field Of Commercial Sexual Exploitation Of Children; On The January 10, 2017 Public Safety Committee Agenda

[16-0395](#)

Sponsors: Campbell Washington

Council President Gibson McElhane requested to be associated with this request.

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 1/10/2017

4.4 Subject: OPD Plan For SB 1322 Implementation
From: Vice Mayor Annie Campbell Washington
Recommendation: Receive A Report And Possible Action Regarding The Oakland Police Department's Plan To Implement SB 1322 And Any New Policies And Processes Regarding Commercially Sexually Exploited Children; On The January 10, 2017 Public Safety Committee Agenda

[16-0394](#)

Sponsors: Campbell Washington

Council President Gibson McElhane requested to be associated with this request.

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 1/10/2017

4.5 Subject: City Of Oakland V. Clarence W. Payne, Jr.
From: The Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of City Of Oakland V. Clarence W. Payne, Jr., ET AL., Alameda County Superior Court Case No. 784459-1, In The Amount Of Twenty Thousand Dollars (\$20,000.00) (Oakland Fire Department Lien)
[16-0393](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the * Special Meeting of the Oakland City Council to be heard 11/14/2016

4.6 Subject: City Attorney Settlement Authority
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing The City Attorney To Settle Claims And Litigation For Twenty Five Thousand Dollars (\$25,000) Or Less
[16-0291](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

4.7 Subject: City Of Oakland V. Frances Mitchell
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Frances Mitchell v. City Of Oakland, Alameda County Superior Court Case No. RG15776510, City Attorney's File No. 30551, In The Amount Of Thirty-Nine Thousand Three Hundred And Seventy Five Dollars And Zero Cents (\$39,375.00) (Oakland Public Works - Dangerous Condition)
[16-0392](#)

Sponsors: Office Of The City Attorney

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

4.8 Subject: Presentation By Assemblymember Rob Bonta
From: Council President Lynette Gibson McElhaney
Recommendation: Receive An Informational Presentation From Assemblymember Rob Bonta To Update The City Council On The 2017 Legislative And Budgetary Outlook And Discuss The Accomplishments Of The 2016 Legislative Session
[16-0396](#)

Sponsors: Gibson McElhaney

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

Items Submitted On The Dais

S1 Subject: Community Choice Energy Program
From: Oakland Public Works Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Ordinance Authorizing The Implementation Of A Community Choice Energy Program Within The Corporate Boundaries Of The City Of Oakland To Become Effective Thirty Days Following The Final Passage Of The Ordinance
[16-0436](#)

Sponsors: Oakland Public Works Department

Attachments: [View Report Part A](#)

[View Report Part B](#)

[View Report](#)

[View Report](#)

[View Supplemental Report](#)

[View Supplemental Report](#)

This Ordinance be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

2) Adopt A Resolution Approving The East Bay Community Energy Authority Joint Powers Agreement And Authorize The City Administrator To Execute The East Bay Community Energy Authority Joint Powers Agreement; And Adopting California Environmental Quality Act (CEQA) Exemption Findings
[16-0437](#)

Sponsors: Oakland Public Works Department

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

- S2** Subject: Overview Of Alameda County Care Connect: Whole Person Care Pilot
From: Vice Mayor Campbell Washington
Recommendation: Receive A Presentation From The Alameda County Health Care Services Agency On The Whole Person Care Pilot.

[16-0398](#)

Sponsors: Campbell Washington

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Special Life Enrichment Committee to be heard 11/15/2016

Third request on the dais regarding Prompt Payment, which was requested to be heard on November 14, 2016 was cancelled.

- 5** A Review Of The Council Committees' Actions From October 25, 2016 And Determination Of Scheduling To Council Meeting Of November 1, 2016

[16-0329](#)

City Clerk clarified that this item was mistakenly placed on the agenda.

6 A Review Of The Draft Agendas For The Committee Meetings Of November 15, 2016
And The Rules And Legislation Committee Of November 17, 2016
[16-0330](#)

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

City Clerk clarified two adjustments to the Finance and Management Committee agenda, which were missions of items regarding Fourth Quarter Revenue and Expenditure Report and Public Bank Feasibility Study. The updated draft agenda was provided at the dais.

DUE TO THE PRESENCE OF COUNCILMEMBER KAPLAN'S STAFF, 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 11:38 A.M.

Councilmember Kaplan's staff requested to cancel Special Public Work Committee meeting on 11/15/2016.

Staff also requested to adjust item 12 on the Finance and Management Committee agenda to reflect the title as follows: "Receive An Informational Report On The Unaudited Fiscal Year (FY) 2015-16 Fourth Quarter Revenue And Expenditure Results And Year-End Summaries For Six Selected Funds - General Purpose Fund (GPF, 1010), Multipurpose Reserve Fund (1750), State Gas Tax Fund (2230), State Gas Tax Proposition 42 Replacement Fund (2231), Landscape & Lighting Assessment District Fund (LLAD, 2310), And Facilities Fund (4400); And Overtime Analysis For The General Purpose Fund (1010) And All Funds."

In addition, add to the end of the title of item 4 regarding SeeClickFix on the Special Finance and Management Committee agenda: "And Waiving The Competitive Process."

President Pro Tempore Reid's staff requested that Special Community and Economic Development Committee meeting on 11/15/2016 be moved to 1:00 p.m.

City Clerk clarified an adjustment to the Public Safety Committee agenda. The updated draft agenda was provided at the dais adding item 8 regarding Measure Z Evaluation Services Contract Award.

Staff from the City Administrator's office noted that there will be a slight title change to the item 6 and 8 on the Special Public Safety agenda, which will be reflected in the reports.

A motion was made by Lynette Gibson McElhaney, seconded by Abel J. Guillén, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

Subject: 24th & Harrison Appeal
From: Planning and Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying An Appeal By Oakland Residents For Responsible Development And Thus Upholding The Planning Commission's Approval Of A Proposal To Construct 437 Dwelling Units Over Approximately 65,000 Square Feet Of Retail Located At 277 27th Street (24th & Harrison), Oakland CA (Project Case No. PLN16-080), Including Adopting CEQA Exemptions And Addendum (Relying On The Previously Certified 2014 Broadway Valdez District Specific Plan EIR).
[16-0315](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)
[View Report - Attachment A](#)
[View Reprot - Attachment B](#)
[View Report - Attachment C](#)
[View Report - Attachment D](#)

*President Gibson McElhane*y requested that this item be rescheduled to the 11/29/2016 Special City Council meeting.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 11/29/2016

Open Forum (Total Time Available: 15 Minutes)

There were 2 speakers on 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 11:37 a.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.