



City of Oakland

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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, June 16, 2016

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules And Legislation Committee convened at 11:01 a.m., with Council President Gibson McElhaney presiding as Chairperson.

Present 4 - Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhaney

COMMITTEE MEMBERSHIP:

1 Determinations Of Closed Session

[15-1106](#)

there will be a special closed session on June 21 1pm-5pm and June 27, 2016 3pm-4:30pm

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

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

2 Approval Of The Draft Minutes From The Committee Meeting Of June 2, 2016

[15-1107](#)

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

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

3 Determination Of Schedule Of Outstanding Committee Items

[15-1108](#)

No Changes

A motion was made that this matter be Received and Filed. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[15-1109](#)

There were 5 Speakers on this item

This Informational Report was Received and Filed.

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

4.1 Subject: Macarthur BART Transit Village - Consent To Property Conveyance
From: Economic Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) Adopt A Resolution Authorizing The Agency Administrator Or Designee To Execute A Consent To The Conveyance By Macarthur Transit Community Partners, LLC To A Joint Venture Between Boston Properties, LP, Or One Of Its Affiliates, And Mcgrath Properties, Inc., Or One Of Its Affiliates, Of Parcels B-1 and B-2 Of The Macarthur BART Transit Village For Development Of One Residential Mixed-Use Project, Pursuant To The Terms Of An Owner Participation Agreement Between The Oakland Redevelopment Successor Agency And Macarthur Transit Community Partners, LLC, As Such Conveyance Is Not A Project Under The California Environmental Quality Act ("CEQA"), And Separately And Independently Relying On The Previously Certified 2008 Environmental Impact Report Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, And 15168 And 15180; And

[15-1208](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

2) A Resolution Authorizing The City Administrator Or Designee To Execute A Consent To The Conveyance By Macarthur Transit Community Partners, LLC To A Joint Venture Between Boston Properties, LP, Or One Of Its Affiliates, And Mcgrath Properties, Inc., Or One Of Its Affiliates, Of Parcels B-1 and B-2 Of The Macarthur Bart Transit Village For Development Of One Residential Mixed-Use Project, Pursuant To The Terms Of A Development Agreement Between The City Of Oakland And Macarthur Transit Community Partners, LLC, As Such Conveyance Is Not A Project Under The California Environmental Quality Act ("CEQA"), And Separately And Independently Relying On The Previously Certified 2008 Environmental Impact Report Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, And 15168 And 15180;

[15-1209](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

- 4.2 Subject: 2100 Telegraph Avenue Assignment
From: Economic Workforce And Development
Recommendation: Adopt A Resolution Authorizing The Assignment Of An Exclusive Negotiation Agreement With TB2 Retail Complex, LLC For Development Of A Mixed-Use Project On City-Owned Property Located At 2100 Telegraph Avenue To W/L Telegraph Owner, LLC, Or A Related Entity; And Authorizing A Six-Month Extension, From 24 To 30 Months, To The Term Of The Agreement, And Authoring Extensions Of Performance Deadlines, As Such Assignment Is Exempt Under The California Environmental Quality Act ("CEQA") Pursuant To Sections 15262, 15306 And Section 15061(B)(3) Of The CEQA Guidelines
[15-1210](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

- 4.3 Subject: Coliseum City Professional Services Contracts
From: Economic And Workforce Development
Recommendation: Adopt A Resolutions (1) Amending Resolution No. 85548 C.M.S., Which Authorized A Professional Services Contract With Keyser Marston and Associates, Inc., For The Coliseum City Project, To Extend The Contract For An Additional Year And Increase the Contract By \$350,000 Including Contingency For A New Total Amount Not To Exceed \$650,000; and (2) Authorizing A Professional Services Contract With Cushman and Wakefield Inc., In An Amount Not To Exceed \$175,000 Including Contingency To Provide Property Appraisal Services For The Oakland-Alameda County Coliseum Complex Property And Adjacent City-County Owned Property, and Waiving the City's Advertising, Competitive Bid And Formal Request for Proposal/Qualifications (RFP/Q) Process
[15-1211](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

- 4.4 Subject: Ordinance Amending The OMC Chapter 2.04 Purchasing System
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.04 Purchasing System: 1) Increasing The City Administrator's Purchasing Authority For Supplies And Services, Including Professional Services, From \$100,000 To \$250,000; 2) Eliminating All Lower Purchasing Limits 3) Raising The Dollar Amount For Informal Solicitations For Requests For Proposals/Qualifications To \$50,000; Delegating Authority To The City Administrator Make Findings And Waive Advertising And Solicitation Processes For Requests For Proposal/Qualifications For Professional Services Purchases Up To Fifty Thousand Dollars (\$50,000); And Clarifying Certain Definitions And Other Clean Up
[15-1212](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 6/28/2016

- 4.5** Subject: Major Encroachment Permit At 701 55th Street
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Robert M. Hamner And Clair F. Hamner To Allow Portions Of The Building At 701 55th Street To Encroach Into The Public Right-Of-Way Along 55th Street And Dover Street; On The June 28, 2016 Public Works Committee Agenda
[15-1213](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 6/28/2016

- 4.6** Subject: Adopt Recommended Police Recruitment and Hiring Policy Proposals
From: Councilmember Kaplan
Recommendation: Adopt New Police Recruitment And Hiring Policies to: (1) Prohibit the Use Of Past Marijuana Use As Grounds For rejection; (2) Prohibit The Use Of Having Student Loans As Grounds For Rejection; (3) Restrict The Use Of Debt As Grounds For Rejection To Those Situations Where Lack Of Income Would Be Solved By Obtaining A Job As A Police Officer; (4) To Seek A Goal Of Not Less Than 50% Of New Hires Will Be Among Those Who Do Have Some Connection Or History With Oakland Or Live Or Have Lived In Oakland; (5) Evaluate The Use Of And Impact Of Rejecting Applicants With An "Association" To People With Criminal Records, And Determine How This Is Being Used And Decide Whether It Genuinely Measures The Potential Of The Applicants, And Whether It Is Disproportionately Excluding Oakland Residents And/Or People Of Color; (6) Weigh Out-Of-School Suspensions, Dismissal From School Or Poor Academic Performance Within Reasonable Contexts; (7) Request A Review Of Recent Applicants Who Were Rejected At The Background Check Stage To Determine If Any Of Them, Especially Oakland Residents, Were Rejected For Reasons That Might Warrant Reconsideration; (8) Expand Outreach And Explore Additional Strategies To Mitigate The Under Representation Of Women, LGBT People, And People Of Color In The Department; (9) Explore And Report Back To Council On Additional Strategies To Improve Recruitment Screening For Attitude Issues, Including Attitudes About Appropriate Conduct Toward Women and Understanding Of Respecting The Community; On The July 12, 2016 Public Safety Committee Agenda
[15-1214](#)

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 6/12/2016

- 4.7** Subject: Adopt An Interim Emergency Ordinance To Temporarily Place A Moratorium On Rent Increases Above The Annual CPI Adjustment
From: Councilmember Kaplan
Recommendation: Adopt An Interim Emergency Ordinance To Continue Temporary Moratorium On Rent Increases Above The Annual CPI Adjustment For Residential Units Regulated By Oakland’s Residential Rent Adjustment Ordinance (Section 8.22.010 et seq.) through December 31, 2016, In Which an Owner Who Desires a Rent Increase in Excess of the CPI Rent Adjustment Must Petition the Rent Program on the Ground That the Owner Needs a Rent Increase to Provide A Fair Return Based On Maintaining The Property’s Net Operating Income; On The July 5, 2016 City Council Agenda
[15-1215](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 7/5/2016

- 4.8** Subject: PRIME Maintenance Agreement
From: Information Technology Department
Recommendation: Resolution Authorizing The City Administrator Or Her Designee To:1. Enter Into A Premier Maintained Application (Pma) Maintenance Agreement With Microsoft Corporation To Support And Maintain The Second Generation Early Warning System For The Oakland Police Department For A Total Estimated Three-Year Cost Not To Exceed One Million Two Hundred Twenty Thousand Dollars (\$1,220,000) Of Which: A) The First Year Cost Of The Pma Will Be Three Hundred Eighty Four Thousand Six Hundred And Forty-Four Dollars (\$384,644) To Be Appropriated From Already Budgeted Funds, And B) Years Two And Three Costs Of The Pma Will Not Exceed Eight Hundred Thirty-Five Thousand Three Hundred Fifty-Six Dollars (\$856,356) To Be Funded Via The Oakland Police Department Operations And Maintenance (O&M) Budget To Be Finalized And Brought To The City Council For Approval During The City’s Fiscal Year (FY) 2017-2019 Budget Process 2.Waive The Advertising, Bidding And Request For Proposals/Qualifications (“Rfp/Q”) Competitive Selection Requirement For Agreements Associated With This ProJECT; On The June 28, 2016 Public Safety Committee Agedna
[15-1216](#)

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 6/28/2016

- 4.10** Subject: 12th Street Remainder Parcel Disposition And Development Agreement With Urbancore And EBALDC
From: Economic And Workforce Development
Recommendation: An Ordinance: (1) Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And Urbancore Development, LLC Or Its Related Entities Or Affiliates (“Urbancore”), And East Bay Asian Local Development Corporation Or Its Related Entities Or Affiliates (“EBALDC”), For (A) Sale Of The 12th Street Remainder Parcel Located At E12th Street And 2nd Avenue (“Property”) For No Less Than \$8.0 Million, (B) A Seller Carryback Loan From The City To Ebaldc In The Amount Of \$3.3 Million Plus The Cost Of Loan Origination, And (C) Development Of The Property As A Residential Mixed-Use Project, All Of The Foregoing Documents To Be In A Form And Content Substantially In Conformance With The Term Sheet Attached As Exhibit A; And (2) Adopting CEQA Exemptions (15183 & 15183.3) And Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR); On The June 28, 2016 Community And Economic Development Committee Agenda [15-1218](#)

This Ordinance was Scheduled to the *Community & Economic Development Committee to be heard 6/28/2016

- 4.11** Subject: 2015-16 Affordable Housing and Sustainable Communities Program: Amended Resolution for Project Invited to Submit Full Application
From: Housing and Community Development Department
Recommendation: Resolution Amending Resolution No. 86218 C.M.S. Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For Coliseum Connections Located At 801-844 71st Avenue Under The 2015-16 Affordable Housing And Sustainable Communities Program, To Change The Not-To-Exceed Amount From \$14,883,316 To \$14,898,316; On The June 28, 2016 Community And Economic Development Committee Agenda [15-1219](#)

Items Submitted on the Dais

Subject:

From: Office of The City Administrator

Recommendation: Adopt The following Pieces of Legislation

1) A Resolution Authorizing the City Administrator to Negotiate and Execute a Fourth Amendment to the Exclusive Negotiating Agreement by and between the City Of Oakland, California Waste Solutions, Inc., and Cass, Inc., regarding Proposed Recycling Facilities on the North Gateway Development Area of the Former Oakland Army Base Extending the Term of the ENA through September 30, 2016, with an Option by the City Administrator to Extend the ENA by up to an Additional Ninety Days thereafter; And

[15-1217](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

2) A Resolution Authorizing the City Administrator to Accept and Appropriate an Alameda County Transportation Commission (“ACTC”) Measure BB Grant in an Amount Not to Exceed \$46 Million Dollars for Roadway Infrastructure Improvements and Truck Parking at the Former Oakland Army Base; And

15-1220

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

3) An Ordinance Authorizing the City Administrator, Without Returning To Council, To Negotiate And Execute Agreements And Related Documents, To Secure Interim Bridge Funding in an amount not to exceed Fifty-three Million, Two-Hundred Thousand Dollars (\$53,200,000) To Meet Critical Cash Flow Needs for the Completion of Construction of the City’s Public Improvement Obligations at the Former Oakland Army Base (“BASE”), Which Options Could Include, Among Other Alternatives: (1) Obtaining Loan(s) Secured by City-Owned Land at the Base or An Assignment of the City’s Right to Receive Rents from Such City-Owned Land; (2) Providing an Option to A Developer to Acquire Development Rights to the North Gateway Area of the Base if The City and Two West Oakland Recyclers Fail to Close Escrow on Such Property; and (3) Negotiating for An Army Base Ground Lease Tenant(s) to Prepay A Discounted Present Value of the Tenant(s)’ Long Term Ground Lease Rent to the City; On The June 28, 2016 Community And Economic Development Committee Agenda

15-1221

This Ordinance was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

Subject: RAP Fee Increase
From: Office Of The City Administrator
Recommendation: Adopt An Amendment To Ordinance No. 13320 C.M.S., The Master Fee Schedule, To Increase The Rent Program Service Fee From \$30 Dollars Per Unit To \$74 Per Unit
15-1222

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

Subject: Pregnancy Information Disclosure and Protection Ordinance.
From: Vice Mayor Annie Campbell Washington And Councilmembers Rebecca Kaplan, Abel Guillen, And City Attorney Barbara J. Parker
Recommendation: Adopt An Ordinance Amending Section 5.06 Of The Oakland Municipal Code To Prohibit Limited Services Pregnancy Centers From Making False Or Misleading Statements To The Public About Pregnancy-Related Services The Centers Offer Or Perform.
[15-1223](#)

This City Resolution was Scheduled.to the *Life Enrichment Committee to be heard 6/28/2016

Subject: Statement Of Policy On Adopting Regulations For Short Term Residential Rentals
From: Council President Lynette Gibson McElhaney, Vice Mayor Annie Campbell Washington and Councilmembers Abel Guillén And Councilmember Dan Kalb
Recommendation: Adopt A Resolution To Issue An Official Statement Of Policy To Implement Regulations Pertaining To Short Term Residential Rental Housing Via Transient Residential Hosting Platforms Pursuant To Future Amendments To Oakland Municipal Code And Oakland Planning Code
15-1224

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 7/12/2016

Subject: Honoring The Lives Lost In The Orlando Mass Shooting
From: Councilmembers Kaplan, Guillen And Vice Mayor Campbell Washington
Recommendation: Honoring The Lives That Were Lost In The Mass Shooting in Orlando, Florida On June 12, 2016
15-1225

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 7/5/2016

Subject: Ordinance Amending Chapter 8.22, Article I (Rent Adjustment)
 From: Councilmembers Kalb, Gibson McElhaney and Guillen
 Recommendation: Adopt An Ordinance Amending Chapter 8.22, Article I (Rent Adjustment) Of The Oakland Municipal Code To: (1) Modify Exemptions For Owner-Occupied Duplexes And Triplexes And Substantially Rehabilitated Properties; (2) Require That Owners File Petitions For Rent Increases In Excess Of The Annual Consumer Price Index Increase (3) Change The Amortization Period For Capital Improvements To That Of The Useful Life Of The Improvement; (4) Clarify That Certain Types Of Work Are Not Capital Improvements; (5) Amend Timelines For Filing Petitions; (6) Require Owners To Pay Interest On Security Deposits; And (7) Permit Tenants To Choose To Pay Their Portion Of The Program Fee Either In A Lump Sum Or In Six Monthly Installments.

15-1226

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/28/2016

Subject: Amending Resolution No. 85344 C.M.S. To Change The Name Of The Grantee To Xochitl N. Guerrero
 From: Vice Mayor Annie Campbell Washington
 Recommendation: Adopt A Resolution Amending Resolution No. 85344 C.M.S., Which Authorized A Grant Of \$13,600 From Councilmember Campbell Washington's Graffiti Abatement Mural And Green Wall Funds For Two Murals On The Walls Of King's Coffee Shop At 3000 38th Avenue In Oakland, To Change The Name Of The Grantee To Xochitl N. Guerrero

15-1227

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/21/2016

- 5 A Review Of The Council Committees' Actions From June 14, 2016 And Determination Of Scheduling To The City Council Meeting Of June 21, 2016 (MATRIX)

[15-1175](#)

There was 1 speaker on this item

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

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

- 6 A Review Of The Draft Agendas For The City Council Committee Meetings Of June 28, 2016 And The Rules And Legislation Committee Of June 30, 2016

[15-1110](#)

There was 1 speaker on this item

A motion was made by Guillén, seconded by Reid, that this matter be Received and Filed. The motion carried by the following vote:

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

- 7** **Subject:** Resolution In Support Of AB 2818 - Property Taxation: Community Land Trust
From: Councilmember Kalb
Recommendation: Adopt A Resolution In Support Of AB 2818 (Chiu) That Would Require County Tax Assessors To Consider When Valuing Property For Property Taxation Purposes Recorded Affordability Restrictions On Low And Moderate Income Housing Including Community Land Trusts
[15-1088](#)

There were 2 speakers on this item

A motion was made that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 6/21/2016. The motion carried by the following vote:

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

- 8 Subject: Resolution In Support Of AB 2713 - Energy Systems**
This item was removed from the agenda

Open Forum (Total Time Available: 15 Minutes)

There were 2 Open Forum speakers

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules And Legislation Committee adjourned the meeting at 12:15 p.m.

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.**