



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, September 29, 2016

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules And Legislation Committee convened at 11:15 a.m, with Council President Gibson McElhaney presiding as Chairperson.

Excused 1 - Laurence E. Reid

Present 3 - Abel J. Guillén, Dan Kalb, and Lynette Gibson McElhaney

1 Determinations Of Closed Session

[16-0122](#)

Sponsors: *Rules & Legislation Committee

Attachments: [View Report](#)

This Report and Recommendation be Accepted.

Excused: 1 - Reid

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

2 Approval Of The Draft Minutes From The Committee Meetings Of July 21, 2016 and September 15, 2016

[16-0123](#)

Sponsors: *Rules & Legislation Committee

Attachments: [View Report.pdf](#)

[View Report.pdf](#)

This Report and Recommendation be Accepted.

Excused: 1 - Reid

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

3 Determination Of Schedule Of Outstanding Committee Items
[16-0124](#)

Sponsors: *Rules & Legislation Committee

This Report and Recommendation be Accepted.

Excused: 1 - Reid

Aye: 3 - Guillén, Kalb, and Gibson McElhaney

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day
[16-0126](#)

Sponsors: *Rules & Legislation Committee

Attachments: [View Report](#)

This Report and Recommendation be Accepted as Amended.

4.1 Subject: Illegal Dumping And Funding Needed For Improvements
From: Vice Mayor Campbell Washington And Councilmember Kaplan
Recommendation: Accept An Informational Report Providing Update On Current Status Of Illegal Dumping And General Waste In Streets, On Sidewalks And In Vacant Lots In The City Of Oakland, Including Implementation Of Cameras In Illegal Dumping Hot Spots; Data On Number And Locations Of Illegal Dumping Pick Ups By Waste Management And City Of Oakland; Additional Proposed Strategies, Programs And Funding Needed To Dramatically Improve The Cleanliness Of The Streets And Public Spaces In East And West Oakland, Including Existing And Proposed Public Communications Campaigns And Proposals For Program And Funding Consideration In The FY 2017-19 Budget.
[16-0243](#)

Sponsors: Campbell Washington and Kaplan

Attachments: [View Report](#)

[View Report Attachment A](#)

[View Report Attachment B](#)

[View Report Attachment C](#)

[View Report Attachment D](#)

[View Report Attachment E](#)

This Informational Report be Scheduled to go before the *Public Works Committee to be heard 12/6/2016

4.2 Subject: 2015/16 Consolidated Annual Performance & Evaluation Report
From: Department Of Housing And Community Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Recieve An Informational Report On The Submission To The U.S. Department Of Housing & Urban Development, The City's Consolidated Annual Performance And Evaluation Report For Fiscal Year 2015/16 Community Development Block Grant, HOME Investment Partnerships, Housing Opportunities For Persons With AIDS, And Emergency Solutions Grant Programs
[16-0185](#)

Sponsors: *Community & Economic Development Committee

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/11/2016

4.3 Subject: Winter Shelter FY 2016-2017
From: Human Services Department

4.4 Subject: OFCY School Base After School Learning For Life Transfer
From: Human Services Department
Recommendation: Adopt A Resolution Amending Resolution No. 86226 C.M.S. Regarding Oakland Fund For Children And Youth (OFCY) Grants For Children And Youth Services To (1) Delete "San Francisco Bay Area Council, Learning For Life" As The Awardee Of Grants Id Numbers 73 And 74 And (2) Add The Award Of Grants Id Numbers 73 And 74 To Bay Area Community Resources And Safe Passages Respectively, In The Same Amounts And Terms
[16-0193](#)

Sponsors: Human Services Department

Attachments: [View Report](#)

[86440 CMS](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/11/2016

4.5 Subject: Creating The Uptown Arts District
From: Council President Gibson McElhaney, Councilmember Campbell Washington And Kaplan
Recommendation: Adopt A Resolution Resolution Designating The Area From 27TM Street To Grand Avenue And From Broadway To Telegraph Avenue As The "Uptown Arts District", And Recommending That The Planning Commission Incorporate Into The Downtown Oakland Specific Plan The Uptown Arts District And Anti-Displacement Measures For Creative Arts Enterprises
[16-0250](#)

Sponsors: Gibson McElhaney, Campbell Washington and Kaplan

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/25/2016

4.6 Subject: Compassionate Communities Informational Presentation
From: Council President Gibson McElhaney
Recommendation: Receive An Informational Presentation On Council President McElhaney's Compassionate Communities Initiative To House Unsheltered Residents And Address Encampments In Oakland.
[16-0245](#)

Sponsors: Gibson McElhaney

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/25/2016

4.7 Subject: Oakland Symphony Youth Orchestra Week.
From: Councilmember J Guillen And Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Proclaiming October 18 - October 25, 2016 As Oakland Symphony Youth Orchestra Week
[16-0251](#)

Sponsors: Guillén

Attachments: [View Report](#)

[86429 CMS](#)

And as a consent item on the October 18, 2016

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/11/2016

4.8 Subject: Youth Summer Jobs In The Parks And Recreation Department
From: Vice Mayor Annie Campbell Washington
Recommendation: Accept An Informational Report On Number, Position Assignments And Location Assignments Of Youth Hired During The Summer Of 2016; And A Proposal To Significantly Increase The Number Of Youth Hired Into Recreation Positions In The Summer Of 2017 And For Year-Round Positions; And Options And Opportunities For Funding, Including Proposals For Consideration In The FY 2017-19 Budget
[16-0236](#)

Sponsors: Campbell Washington

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/11/2016

4.9 Subject: Youth Summer Jobs In All Departments Other Than Parks And Recreation
From: Vice Mayor Annie Campbell Washington
Recommendation: Accept An Informational Report On Number, Position Assignments And Location Assignments Of Youth Hired During The Summer Of 2016 In All Departments Of The City Of Oakland Other Than Parks And Recreation; And A Proposal To Significantly Increase The Number Of Youth Hired Into Positions In All City Departments In The Summer Of 2017 And For Year-Round Positions; And Options And Opportunities For Funding, Including Proposals For Consideration In The FY 2017-19 Budget
[16-0237](#)

Sponsors: Campbell Washington

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 12/6/2016

4.10 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 City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/25/2016

4.11 Subject: 2015-2016 Alameda County Grand Jury Reports/City of Oakland
From: Office Of The City Administrator
Recommendation: Receive The Response Prepared By The Public Ethics Commission To The 2015-2016 Alameda County Grand Jury Final Report Titled "Political Interference With Oakland Townhouse Project" And Authorize The Council President Pro Tempore To Submit A Response On Behalf Of The City Council To The Grand Jury Report
[16-0242](#)

Sponsors: Office Of The City Administrator

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

as a scheduling item.

This City Resolution be Continued.to go before the *Rules & Legislation Committee to be heard 10/6/2016

4.12 Subject: Removing The Bike Registration Requirement
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.60 To Repeal The City's Requirements On Bicycle Registration And Licensing, The Reporting Of Bicycle Ownership Transfer And Sales, And The Prohibition On Destroying Bicycle Numbers Or Licenses
[16-0244](#)

Sponsors: Gibson McElhaney

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

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

4.13 Subject: Campaign Reform Act Amendment
From: Councilmembers Kalb, Gallo, Guillen, Vice Mayor Campbell-Washington and City Attorney Parker
Recommendation: Adopt An Ordinance Amending The "Oakland Campaign Reform Act" (OCRA) Ordinance (A) Aligning OCRA With The 2014 Amendment To The Oakland City Charter Section 603, (B) Strengthening The Commission's Enforcement Authority To Match The Government Ethics Act And The California Political Reform Act, And (C) Clarifying And Expanding Definitions And Substantive Provisions To Ensure The Act Uses Clear And Enforceable Language And (D) Enhance Independent Expenditure Disclosure Requirements
[16-0255](#)

Sponsors: Kalb

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

This Ordinance be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/13/2016

4.14 Subject: 2015-2016 Alameda County Grand Jury Reports/City of Oakland
From: Office Of The City Administrator
Recommendation: Receive The Draft Informational Response Prepared By The City Administration And Authorize The City Council President To Co-Sign With The Mayor A Response To The 2015-2016 Alameda County Grand Jury Final Report Titled "City Of Oakland's Costly Pursuit Of Zero Waste Franchise Contracts."
[16-0241](#)

Sponsors: Office Of The City Administrator

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

Staff read a title change into the record. This title will be listed on the agenda report provided to the City Clerk's office.

This Informational Report be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/18/2016

4.15 Subject: The Fox Theatre Loan Balloon Payment Due December 2016
From: Member Of The Public
Recommendation: Receive An Informational Report From The City Auditor Regarding Staff's Rationale For Their Recommendation For A \$1.4 Million Loan To Supplant A \$4.6 Million Loan Balloon Payment Due December 2016 From The Fox Theatre. Staff Have Indicated That The \$1.4 Million Would Subordinate The \$4.6 Million Balloon Payment Now Totaling The Loan Amount \$6 Million And Extending The Loan Payment For Ten Years. This Report Should Also Address Why The Proposed Council Resolution Has A \$6.5 Million Dollar Amount/Is This Additional \$500,000 A Loan Fee And To Whom. Why Is This Tenant Improvement Loan Of \$1.4 Million (This Was In Addition To A \$1.2 Million Dollar Tenant Improvement That Rudy's Received Previously)Being Identified As Renovation For VIP Lounge For Rudy's Restaurant That Can't Fail.; As Soon As Possible During City Council [16-0239](#)

Sponsors: Member(s) of the Public

This City Resolution be No Action Taken.

4.16 Subject: Ordinances Amending Chapters 5.80 And 5.81 - Cannabis
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Refine The Equity Permit Program; And [16-0246](#)

Sponsors: Gibson McElhaney

This Ordinance be No Action Taken.

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Refine The Equity Permit Program.; On The October 18, 2016 City Council Agenda [16-0248](#)

Sponsors: Gibson McElhaney

This Ordinance be No Action Taken.

Items Submitted On The Dias

Subject: Resolution Honoring Daryl Look Upon His Retirement
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution Honoring Daryl Look, Principal Human Resource Analyst, Upon His Retirement After 18 Years Of Dedicated Public Service To The City Of Oakland And A Total Of 28 Years In The Public Sector
[16-0261](#)

Sponsors: Campbell Washington

Attachments: [No Report](#)
[86414 CMS](#)

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 10/18/2016

Subject: Winter Shelter FY 2016-2017
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Winter Shelter And Winter Relief Efforts For The Period Of November 1,2016 Through April 30,2017: 1. Accept And Appropriate Up To \$150,000 From Alameda County And Up To \$30,000 From City Of Emeryville For North County Winter Relief Efforts; 2. Enter Into A Grant Agreements With The Following Agencies In The Following Amounts: Society Of Saint Vincent De Paul Of Alameda County In An Amount Not To Exceed \$250,000; Bay Area Community Services In An Amount Not To Exceed \$91,389; Covenant House California In An Amount Not To Exceed \$8,000; 3. Amend The Grant Agreements With The Following Agencies In The Following Amounts: St. Mary's Center In An Amount Not To Exceed \$17,000; East Oakland Community Project (EOCP) In An Amount Not To Exceed \$22,000; And 4. Accept And Appropriate Any Additional Winter Relief Funds From Alameda County, The City Of Emeryville, And Any Other Sources During The Period Of November 1, 2016 Through April 30, 2017, And Amend The Above Grant Agreements To Increase The Grant Amounts Or Extend The Grant Term And Execute New Grant Agreements For Additional Winter Relief Efforts Without Returning To Council
[16-0240](#)

Sponsors: Human Services Department

Attachments: [View Report](#)
[86428 CMS](#)

This City Resolution be Scheduled to go before the *Life Enrichment Committee to be heard 10/11/2016

Subject: Infrastructure Affordable Housing Bond Enabling Ordinance
From: Office Of The City Administrator
Recommendation: Adopt An Resolution Of Intent To Establish A Grant Program To Qualified Low-Income Senior And Disabled Resident Property Owners To Offset Taxes Resulting From The Proposed Ordinance To Authorize The Issuance Of \$600,000,000 In General Obligation Bonds To Fund Various City Infrastructure And Affordable Housing Projects (Measure KK)

[16-0260](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

[Supplemental 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 10/18/2016

Subject: BRT Business Technical Assistance Professional Services Agreement
From: Housing And Community Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Enter Into Professional Services Agreement Not-To-Exceed \$965,000 With Anewamerica Community Corporation And Not-To-Exceed \$965,000 With Mason Tillman Associates, LTD To Provide Technical Assistance For Businesses Along The Bus Rapid Transit Route In Oakland Effective October 19, 2016 Through September 30, 2018

[16-0258](#)

Sponsors: Housing And Community Development Department

Attachments: [View Report](#)

[86444 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/11/2016

Subject: State And Federal Elected Officials To Overturn The "Citizens United"
From: Councilmember Rebecca Kaplan And Councilmember Dan Kalb
Recommendation: Adopt A Resolution Directing The City Administrator And City Lobbyist To Work With All Relevant State And Federal Elected Officials To Develop And Ratify An Amendment To The U.S Constitution Which Would Overturn The "Citizens United" Decision, Restore Our Democracy And Remove The Negative Influence Of Big Corporate Funds On Our Elections And Policy Making

[16-0259](#)

Sponsors: Kalb and Kaplan

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/20/2016

B) And An Informational Report From The City Council And Public Ethics Commission Explaining Why No Action Has Been Taken. The Grand Jury Concluded That The Failure Of The Oakland City Council And The Oakland Public Ethics Commission To Recognize And Address These Breaches Of Ethical Standards Is Unacceptable.; As Soon As Possible On The November 1, 2016 City Council Agenda And The As A Public Hearing November 1, 2016

[16-0285](#)

Sponsors: Ms. Brooks and Member(s) of the Public

Request For A Special Meeting - Cannabis

This item was withdrawn

Upon call of the public speakers, a member of public read into record the following request.

Noting the subject matter, Council President Gibson McElhaney stated she was recused from action on the item and would leave chambers for the remaining members to address the topic. The Chair provided instructions to the City Clerk to read the request from the public and proceed at the discretion of the remaining members.

At 12:18 pm, Council President Gibson McElhaney left chambers. As a result of the absence of Councilmember Gibson McElhaney, there was no quorum of the Committee and no actions could be taken.

Subject: Censure of President of the Council Lynette Gibson--McElhaney.
From: Councilmember Desley Brooks On Behalf Of Members Of The Public
Recommendation: Schedule The Following:

A) A Censure Hearing, And Possible Referral To The Alameda County District Attorney's Office, Of Councilmember Lynette Gibson--McElhaney For Violation Of The City And State Laws, Council Rules Of Procedure, Ethics Rules And Oakland City Charter Investigated And Established By The Alameda County Grand Jury. Charges: 1. Councilmember Gibson-McElhaney Had A Conflict Of Interest That Prohibited Her From Using Her Elected Position To Influence An Administrative Decision On The Townhouse Project. 2. Councilmember Gibson-McElhaney Violated Ethics Rules By Privately Contacting A Department Head And City Staff To Argue Personal Objections, Resulting In The Department Head Re-Evaluating The Project. This Gave The Appearance That The Department Head Was An Advocate For The Councilmember. 3. Councilmember Gibson-McElhaney Improperly Used City Resources By Having Her Chief Of Staff Draft A Letter For Her In Opposition To The Project For The Councilmember. The Grand Jury Believes That Was A Misuse Of City Resources Solely Intended To Benefit The Councilmember Personally. 4. Councilmember Gibson-McElhaney Violated Of City And State Rules, During A Planning Commission Hearing, Where She Inappropriately Used Her Position To Question City Policy, To Challenge Staff, And To Interrupt Proceedings. 5. Councilmember Gibson-McElhaney Violated Section 218 Of The City Charter. And, [16-0284](#)

Sponsors: Ms. Brooks and Member(s) of the Public

Attachments: [View Report](#)

There was no action taken on this item.

5 A Review Of The Council Committees' Actions From September 27th 2016 And Determination Of Scheduling To The City Council Meeting Of October 4, 2016 [16-0127](#)

Sponsors: *Rules & Legislation Committee

Attachments: [View Report](#)

This item was called for discussion. Due to the disruption in City Hall, the item could not be heard.

At 12:40pm Councilmember Guillen made a motion, seconded by Councilmember Kalb to recess until the disruption in the chambers could be resolved.

At 12:55pm the City Clerk announced that the Rules and Legislation committee was adjourned.

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of October 11th 2016 And The Rules And Legislation Committee Of October 13, 2016
[16-0128](#)
Sponsors: *Rules & Legislation Committee
Attachments: [View Report](#)
- 7 Subject: Housing, Residential Rent And Relocation Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Tracie Mason To The Housing, Residential Rent And Relocation Board
[16-0149](#)
Sponsors: Office Of The Mayor
Attachments: [View Report](#)
[86410 CMS](#)
- 8 Subject: Naming Grove In Defremery Park In Honor Of Bobby Hutton
From: Council President Gibson McElhaney And Pro Tempore Reid
Recommendation: Adopt A Resolution To Name The Grove In Defremery Park As 'Bobby Hutton Grove' In Commemoration Of The 50TM Anniversary Of The Founding Of The Black Panther Party
[16-0143](#)
Sponsors: Office Of The City Council
Attachments: [View Report](#)
[86377 CMS](#)
- 9 Subject: Ellis Act For Preservation Of Residential Hotels In Oakland
From: Council President Gibson McElhaney And Councilmember Guillen
Recommendation: Adopt A Resolution Urging The State Legislature And Governor To Amend The Ellis Act (Government Code SEC. 7060 ET SEQ.) To Permit All California Cities To Effectively Regulate Residential Hotels
[16-0145](#)
Sponsors: Office Of The City Council
Attachments: [View Report](#)
[86411 CMS](#)

- 10 A Review Of The Agendas For The Council Committee Meetings Of September 27, 2016 And The Rules And Legislation Committee Of September 29, 2016
[16-0080](#)

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

- 11 Subject: Support Of Prop 62 And In Opposition To Prop 66
From: President Pro Tem Larry Reid, Councilmember Kalb And Kaplan And City Attorney Barbara Parker
Recommendation: Adopt A Resolution In Support Of California Proposition 62 That Would Repeal The Death Penalty And In Opposition To Proposition 66 That Would Make Carious Changes To Procedures In Death Penalty Cases
[16-0208](#)

Sponsors: Kalb, Kaplan, Larry Reid and Office Of The City Attorney

Attachments: [View Report](#)
[View Supplemental Report](#)
[86412 CMS](#)

- 12 Subject: Citizens' Police Review Board.
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Jose A. Dorado To The Citizen's Police Review Board
[16-0091](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)
[86413 CMS](#)

Open Forum (Total Time Available: 15 Minutes)

Adjournment

Americans With Disabilities Act

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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.