



City of Oakland

Meeting Agenda

*Rules & Legislation Committee

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

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

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City
Clerk

Thursday, March 24, 2016

10:45 AM

City Council Chamber, 3rd Floor

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call To Order

COMMITTEE MEMBERSHIP:

Abel J. Guillén, District 2; Dan Kalb, District 1; President Pro Tempore Larry Reid, District 7; Chairperson: Council President Lynette Gibson McElhaney, District 3

1 Determinations Of Closed Session

[15-0749](#)

Attachments: [View Report](#)

- 2 Approval Of The Draft Minutes From The Committee Meeting Of March 10, 2016

[15-0741](#)

Attachments: [View Report](#)

- 3 Determination Of Schedule Of Outstanding Committee Items

[15-0746](#)

Attachments: [View Report](#)

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)

[15-0750](#)

Attachments: [View Report](#)

- 4.1 Subject: Informational Report Regarding Utah SB 246

From: Member Of The Public

Recommendation: 1) A Request That City Attorney Barbara Parker Provide The Oakland City Council An Informational Report Immediately So That The Council Will Be Able To Consider Their Options, Including Litigation Against The State Of Utah Related To Utah'S State Senator' Stewart Adam's Senate Bill 246 Requiring The Use Utah's Public Tax Dollars For Funding For A Proposed Coal Terminal In Oakland Which Would Be Detrimental To The Public Safety And Health To Oakland Residents; And 2) That The Council Direct Attorney Barbara Parker To Contact California Attorney General Kamala Harris And Request That She Contact Utah's Attorney General Sean Reyes And Indicate To Him That The State Of California Is Prepared To File A Lawsuit If Utah's Governor Gary Herbert Signs SB 246 Because This Bill Is Detrimental To The Public Safety And Health To The Residence Of The State Of California And Particularly To The Residence Of The City Of Oakland To Which The \$53 Million Dollars Of Public Tax Dollars Are Intended To Be Used For A Coal Terminal In The City Of Oakland (Emergency); On The April 5, 2016 City Council Agenda Or ASAP

[15-0809](#)

- 4.2 Subject: Tract No. 8185 Located At 4901 Broadway

From: Oakland Public Works Department

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Amended And Restated Subdivision Improvement Agreement With US TP SRM Temescal, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8185 Located At 4901 Broadway; On The April 5, 2016 City Council Agenda As A Consent Item

[15-0808](#)

- 4.3** Subject: National Library Week
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt A Resolution Declaring The Week Of April 10th to 16th 2016 To Be “National Library Week” In The City Of Oakland And Encouraging All Residents Of Oakland To Explore And Enjoy The Free Resources And Services Available At Their Local Public Library; On The April 5, 2016 City Council Agenda As A Ceremonial Item
[15-0819](#)
- 4.4** Subject: Support Of AB 2031: Affordable Housing Financing For Local Government
From: Councilmembers Abel Guillén And Dan Kalb
Recommendation: Adopt A Resolution In Support Of AB 2031 (Bonta) That Would Allows Cities And Counties To Redirect Their Net Available Real Property Tax Trust Fund Revenue (“Boomerang Funds”) To An Affordable Housing Special Beneficiary District For Funding Affordable Housing; On The April 7, 2016 Rules & Legislation Committee Agenda
[15-0804](#)
- 4.5** Subject: Oakland Golf LLC - Sublease And Operating Agreement
From: Oakland Parks & Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Execute A Third Amendment To The Sublease And Operating Agreement With Oakland Golf, LLC For The Operation Of Metropolitan Golf Links Course To Restructure The Minimum Annual Guarantee Rent Amount To \$400,000, Amend The Percentage Rent Of Gross Revenue From Golf Activities To 13.5%, And Modify The Sublease Term To Twenty-Two Years; And 2) Execute A Settlement Agreement With Oakland Golf, LLC To Resolve Payment Of Delinquent Rent; On The April 12, 2016 Finance & Management Committee Agenda
[15-0810](#)
- 4.6** Subject: Acceptance of TFCA Grants
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Transportation Funds For Clean Air (TFCA) County Program Manager Fund Award In The Amount Of One Hundred Twenty-Four Thousand Dollars (\$124,000.00) For The Cityracks Bicycle Parking Program, Phase 12, And Two Hundred Ten Thousand Dollars (\$210,000.00) For The Oakland Broadway “B” Shuttle Off-Peak Hour Operations; On The April 12, 2016 Public Works Committee Agenda
[15-0807](#)

- 4.7** Subject: Major Encroachment Permit At 632 14th Street
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 632 14th Street LLC To Allow Portions Of The Building At 632 14th Street To Encroach Into The Public Right-Of-Way Along The Building Frontage On 14th Street; On The April 12, 2016 Public Works Committee Agenda [15-0817](#)
- 4.8** Subject: Façade Improvement Program Allocation Of Historic Mitigation Funds
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To (1) Accept And Appropriate \$188,750 In Historic Mitigation Funds From Three Developers To The Façade Improvement Program; And (2) Accept And Appropriate Any Historic Mitigation Funds Which May Be Received By The City Of Oakland In Fiscal Year 2015/2016 Through Fiscal Year 2024/2025 To The Façade Improvement Program Relying On An Exemption From California Environmental Quality Act ("CEQA") Review Pursuant To Section 15061(B)(3) Of The CEQA Guidelines; On The April 12, 2016 Community And Economic Development Committee Agenda [15-0802](#)
- 4.9** Subject: Brownfield Loan Modification For 785 Seventh Street
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Authorize A Third Amendment To A Loan Agreement And Promissory Note Between The City Of Oakland And Brush Street Group, LLC For Brownfield Cleanup At 785 Seventh Street, Oakland CA 94607; Action Taken In Reliance On Previously Certified Environmental Impact Report For The West Oakland Specific Plan Certified On July 29, 2014 (CEQA Guidelines 15162 And As A Separate And Independent Basis, Section 15183); On The April 12, 2016 Community And Economic Development Committee Agenda [15-0803](#)
- 4.10** Subject: 1638-47th Avenue Church And School Conversion To Residential Units
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:
- 1) A Resolution, As Recommended By The City Planning Commission, To Approve Regular Design Review And A Minor Variance For The Church And School Conversion Located At 1638-47th Avenue And Adopting CEQA Exemptions; And [15-0805](#)
 - 2) Ordinance, As Recommended By The City Planning Commission, To Rezone The Project Site From RU-1 Urban Residential Zone-1 To RU-4 Urban Residential Zone-4 With Height Area 45 For 1638-47th Avenue And Adopting CEQA Exemptions; On The April 12, 2016 Community & Economic Development Committee Agenda And As A Public Hearing On April 19, 2016 [15-0806](#)

4.11 Subject: Raimondi Park - Phase 2A Capital Improvements
From: Oakland Parks & Recreation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution To Authorize The City Administrator To Accept A Gift Of In-Kind Services Valued In An Amount Not To Exceed One Million Nine Hundred Thousand Dollars (\$1,900,000.00) From The East Bay United Soccer Club For The Capital Improvements At Raimondi Park; And

[15-0815](#)

2) An Ordinance Authorizing The City Administrator To Enter Into A License Agreement With The East Bay United Soccer Club (EBU) For Nonexclusive Use Of The Raimondi Park Multi-Purpose Field #2 (Near 20th Street) For A Seventeen-Year Term; On The April 12, 2016 Life Enrichment Committee Agenda

[15-0816](#)

4.12 Subject: Permanent Access To Housing (PATH) High Priority Funds FY 2015-2017
From: Human Services Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Amend The PATH Grant With Operation Dignity To Increase Funding By Up To \$125,000 For The Remainder Of The Grant Term Fiscal Year (FY) 2015-2017 For Additional Outreach Hours, Outreach Supplies, Case Management, Reunification Services, And Emergency Motel Vouchers For Single Adults; 2) Amend The Path Grant With Abode Services To Increase Funding By Up To \$170,000 For The Remainder Of The Grant Term Of FY 2015-2017 For Housing Case Management Services; 3) Amend The Current Winter Shelter Grant Agreement With Bay Area Community Services To Increase Funding In An Amount Not To Exceed \$5,000 For The Provision Of Reunification Services In FY 2015-2016; And 4) Amend The Grant Agreements Without Further Council Approval If Additional General Purpose Funding Becomes Available For The Same Purpose Within The Grant Term; On The April 12, 2016 Life Enrichment Committee Agenda

[15-0818](#)

4.13 Subject: Amendments To Medical Cannabis Ordinances
From: Office Of The City Administrator

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And

[15-0587](#)

Attachments: [View Report](#)

Legislative History

2/9/16

*Public Safety Committee

Continued to the *Public Safety Committee

2) An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Align With California's Medical Marijuana Regulation And Safety Act And Adopting CEQA Exemption Findings; And
[15-0589](#)

Legislative History

2/9/16

*Public Safety Committee

Continued to the *Public Safety Committee

3) An Ordinance Amending The FY 2015-2016 Master Fee Schedule (Ordinance No. 13320 C.M.S., As Amended) To Modify And Establish Permit Application And Annual Regulatory Fees For City of Oakland Licensed Medical Cannabis Facilities And Adopting CEQA Exemption Findings; And
[15-0811](#)

4) A Resolution Authorizing the City Administrator To Transfer Four Hundred Thousand Dollars (\$400,000) Of Medical Cannabis Cooperative Project (A252610) Funds Within The General Purpose Fund (1010) From The Office Of The City Administrator To The Fire Department And The Planning And Building Department; On The April 12, 2016 Public Safety Agenda
[15-0814](#)

4.14 Subject: Deputizing Task Force Officers
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) With The Department Of Homeland Security (DHS), Office Of Homeland Security Investigations (HSI) For The Purpose Of Allowing Particular Oakland Police Department (OPD) Officers To Be Designated As A United States Customs Title 19 Task Force Officer (TFO), Without Additional Compensation, Until The Expiration Date Of The Agreement, Unless Revoked At An Earlier Date By Either OPD Or HIS; On The April 12, 2016 Public Safety Committee Agenda
[15-0812](#)

4.15 Subject: Acceptance Of Project Safe Neighborhood Grant Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept Grant Funds In An Amount Not To Exceed Two Hundred Twenty-Two Thousand Seven Hundred Twenty-Six Dollars (\$222,726) From The California Governor's Office of Emergency Services (CalOES), Which Serves As The Grant Administrator On Behalf Of The U.S. Attorney's Office And The U.S. Department Of Justice, Office Of Justice Programs (USDOJ/OJP) Project Safe Neighborhoods (PSN), To Fund Equipment, Training, Supplies, And A Research Partner, To Support The Implementation Of The Ceasefire, Procedural Justice And Police Legitimacy Strategies Related To Shooting & Homicide Scenes; On The April 12, 2016 Public Safety Committee Agenda
[15-0813](#)

- 4.16** Subject: Establishing An Alameda County Community Choice Energy Program
From: Councilmember Kalb & Alameda County Community Development Agency
Recommendation: Receive An Informational Status Report On The Process And Progress Of Establishing An Alameda County Community Choice Energy Program, Including Level Of Progress, Process Going Forward, Including Eventual Next Steps From Oakland And Other Participating Cities And The County; On The May 3, 2016 City Council Agenda As A Non-Consent Item
[15-0820](#)
- 4.17** Subject: 70th Anniversary Of Faith Presbyterian Church
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution Celebrating The 70th Anniversary Of Faith Presbyterian Church And Honoring Its Steadfast Commitment To The Oakland Community; On The April 19, 2016 City Council Agenda
[15-0821](#)
- 4.18** Subject: Support Of SB 1282 - Protect Pollinators Act
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of SB 1282 (Leno) That Would, After July 1, 2017, Require Labeling Of Seeds And Plants Sold At Retail Establishments That Have Been Treated With A Neonicotinoid Pesticide, And, By 2018, Designate Neonicotinoid Pesticides As Restricted Materials Pursuant To State Law; On The April 7, 2016 Rules & Legislation Committee Agenda
[15-0822](#)
- 4.19** Subject: Unites States Embargo On Cuba
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Resolution Urging The United States Congress To End The Trade Embargo On Cuba; On The April 12, 2016 Community & Economic Development Committee Agenda
[15-0823](#)
- 5** A Review Of The Council Committees' Actions From March 22, 2016 And Determination Of Scheduling To The City Council Meeting Of April 5, 2016 (MATRIX)
[15-0751](#)
Attachments: [View Report](#)
- 6** A Review Of The Draft Agendas For The City Council Meeting Of April 5, 2016 And The Rules And Legislation Committee Of April 7, 2016
[15-0752](#)
Attachments: [View Report](#)

Open Forum (Total Time Available: 15 Minutes)

Adjournment

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.**