



City of Oakland

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Oakland, California 94612
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Meeting Minutes

*Rules & Legislation Committee

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

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

Thursday, March 24, 2016

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 11:03 a.m., with Council President Gibson McElhaney presiding as Chairperson.

Roll Call / Call To Order

The Roll Call was modified to note President Pro Tempore Reid absent at 11:58 a.m.

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

1 Determinations Of Closed Session

[15-0749](#)

Attachments: [View Report](#)

Special Closed Session is scheduled for 1:30 p.m. on April 5, 2016.

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

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

[15-0741](#)

Attachments: [View Report](#)

A motion was made by Reid, 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

3 Determination Of Schedule Of Outstanding Committee Items

[15-0746](#)

Attachments: [View Report](#)

A motion was made by Reid, 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

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[15-0750](#)

Attachments: [View Report](#)

There were 11 speakers 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: 3 - Guillén, Kalb, and Gibson McElhaney

Absent: 1 - Reid

4.1 Subject: Informational Report Regarding Utah SB 246
From: Member Of The Public
Recommendation: Receive An Informational Report From The Office Of The City Attorney Which Provides A Legal Analysis For State Of Utah Senate Bill 246 [TITLE CHANGE]
[15-0809](#)

Attachments: [View Report](#)

The title of the item was revised on the floor due to the adoption of Utah SB 246 becoming law.

The Committee requested that the City Attorney provide the Council with the confidential opinion regarding the issue and to schedule the item to Closed Session.

The Committee also requested that the City Attorney provide a legal analysis of Utah SB 246 to the Rules & Legislation Committee on April 14, 2016.

This Informational Report was Scheduled.to the *Rules & Legislation Committee to be heard 4/14/2016

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
[15-0808](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016

- 4.3** Subject: National Library Week
From: Council President Lynette Gibson McElhaney And Office Of The Mayor
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
[15-0819](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/5/2016 as a Ceremonial Item

- 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 Allow 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
[15-0804](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution was Scheduled.to the *Rules & Legislation Committee to be heard 4/7/2016

- 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
[15-0810](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 4/12/2016

- 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
[15-0807](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 4/12/2016

- 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
[15-0817](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 4/12/2016

- 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
[15-0802](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 4/12/2016

4.9 Subject: Brownfield Loan Modification For 785 Seventh Street
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute 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)
[15-0803](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 4/12/2016

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 Adopt CEQA Exemptions Whereas; And

[15-0805](#)

Attachments: [View Report](#)

[View Presentation](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 4/12/2016 and as a Public Hearing on April 19, 2016

2) An 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 Adopt CEQA Exemptions

[15-0806](#)

This Ordinance was Scheduled.to the *Community & Economic Development Committee to be heard 4/12/2016 and as a Public Hearing on April 19, 2016

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 Two Million Dollars (\$2,000,000.00) From The East Bay United Soccer Club For The Capital Improvements At Raimondi Park; And

[15-0815](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Life Enrichment Committee to be heard 4/12/2016

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

[15-0816](#)

This Ordinance was Scheduled.to the *Life Enrichment Committee to be heard 4/12/2016

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

[15-0818](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Life Enrichment Committee to be heard 4/12/2016

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](#)

This Ordinance was Scheduled.to the *Public Safety Committee to be heard 4/26/2016 and as a Public Hearing on April 19, 2016

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](#)

This Ordinance was Scheduled.to the *Public Safety Committee to be heard 4/26/2016 and as a Public Hearing on April 19, 2016

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](#)

This City Resolution was Scheduled.to the *Public Safety and Finance Committee to be heard 4/26/2016 and as a Public Hearing on April 19, 2016

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](#)

This City Resolution was Scheduled.to the *Public Safety and Finance Committee to be heard 4/26/2016 and as a Public Hearing on April 19, 2016

- 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 HSI
[15-0812](#)

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 4/26/2016

- 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: 1) Accept And Appropriate 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, On Behalf Of 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
[15-0813](#)

Attachments: [DOC033116-001 0331I](#)

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 4/12/2016

- 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](#)

This Informational Report was Scheduled.to the Meeting of the Oakland City Council to be heard 5/3/2016 as a Non-Consent Item

- 4.17** Subject: 70th Anniversary Of Faith Presbyterian Church
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution: Faith Presbyterian Church Celebrates 70 Years Of Fellowship And Community Service In The City Of Oakland
[15-0821](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 4/19/2016 as a Ceremonial Item

- 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
[15-0822](#)

Attachments: [View Report](#)

[View Supplemental Report](#)

This City Resolution was Scheduled.to the *Rules & Legislation Committee to be heard 4/7/2016

- 4.19** Subject: Unites States Embargo On Cuba
From: Councilmembers Kaplan And Guillén
Recommendation: Adopt A Resolution Urging The United States Congress To End The Trade Embargo On Cuba
[15-0823](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 4/12/2016

Items Submitted On The Dais

Subject: Tax On Sugar Sweetened Beverages Ballot Measure
From: Councilmembers Campbell Washington, Brooks And Kaplan
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The November 2016 Statewide General Election, A Proposed Ordinance To Create An Excise Tax On The Distribution Of Sugar Sweetened Beverage Products And Creating A Sugar Sweetened Beverage Products Distributor's Tax Advisory Board; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 8, 2016 Statewide General Election

[15-0825](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Rules & Legislation Committee to be heard 4/7/2016

Subject: Support For AB 2200: School Employee Housing Assistance Grants
From: Vice Mayor Campbell Washington
Recommendation: Adopt A Resolution In Support Of AB 2200 (Thurmond) The School Employee Housing Assistance Grant Program Which Would Create A \$100 Million Grant Program To Provide Development Financing Assistance To Qualified School Districts For The Development Of Affordable Rental Housing For School Employees, Including Teachers

[15-0826](#)

Attachments: [View Report](#)

This City Resolution was Scheduled.to the *Rules & Legislation Committee to be heard 4/14/2016

Subject: Disparity Study
From: Councilmember Rebecca Kaplan
Recommendation: Receive An Informational Staff Report On The Status Of The Disparity Study; On The May 10, 2016 Community & Economic Development Committee Agenda

[15-0824](#)

This Informational Report was Scheduled.to the *Community & Economic Development Committee to be heard 5/10/2016

Subject: Protect Oakland Renters Act Ballot Measure
From: Members Of The Public
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The November 2016 Statewide General Election, A Proposed Ordinance To Create The "Protect Oakland Renters Act" By Establishing The Composition And Functions Of The Rent Board; Establishing Rent Adjustments For Certain Units And Establishing Procedures For Governance Of Rental Units In The City Of Oakland
[15-0827](#)

Attachments: [View Report](#)

This item will be brought back to the April 7, 2016 Rules & Legislation Committee for scheduling a date certain.

From The Community & Economic Committee Pending List:

Subject: Amendments To Relocation Assistance Requirements
From: Vice Mayor Kaplan
Recommendation: Adopt Legislation To Amend Chapter 15.60 Code Enforcement Relocation Program, Section 15.60.110 To (1) \$6500 Per Studio/One-Bedroom Units; \$8000 Per Two-Bedroom Units; And \$9875 Per Three Or More Bedroom Units; (2) Require An Additional Payment Of \$2500 Per Unit For Units With Tenants Who Are Seniors, Disabled, Low-Income, Or Families With Minor Children; And (3) Require That Half Of The Payments Be Made When The Termination Notice Is Given And The Second Half Of The Payment Made Upon Tenant's Move Out [TITLE CHANGE]
[15-0240](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 5/10/2016

From The Public Safety Committee Pending List:

Subject: CPRB Bylaws Approval
From: Citizens' Police Review Board
Recommendation: Adopt A Resolution Approving the Citizens' Police Review Board Bylaws; On The April 12, 2016 Public Safety Committee Agenda
[15-0779](#)

This City Resolution was Rescheduled.to the *Public Safety Committee to be heard 5/10/2016

Subject: CPRB Annual Report
From: Citizens' Police Review Board
Recommendation: Receive The Citizen's Police Review Board (CPRB) 2015 Annual Report; On The April 12, 2016 Public Safety Committee Agenda
[15-0780](#)

This City Resolution was Rescheduled.to the *Public Safety Committee to be heard 5/10/2016

- 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](#)

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

- 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](#)

The Council meeting on April 5, 2016 will be scheduled as a Special Meeting at 5:00 p.m.

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

Open Forum (Total Time Available: 15 Minutes)

There were no 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 12:36 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.