



# City of Oakland

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

## Meeting Agenda - SUPPLEMENTAL

### \*Rules and Legislation Committee - CANCELLED

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Thursday, October 13, 2016

10:45 AM

City Council Chamber, 3rd Floor

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#### **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**

[16-0229](#)

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

#### **2 Approval Of The Draft Minutes From The Committee Meeting Of September 22, 2016 And September 29, 2016**

[16-0230](#)

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

3 Determination Of Schedule Of Outstanding Committee Items

[16-0231](#)

Attachments: [View Report](#)

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

[16-0232](#)

Attachments: [View Report](#)

[View Report](#)

4.1 Subject: Abatement And Abandoned Vehicles

From: Mary Maultsby-Jeffrey

Recommendation: Request Full Report On Abatement And Abandonment Of Vehicles Left On The Streets Of Oakland For More Than 72 Hours And Cars Being Parked On The Streets Of Oakland By Unlicensed Or Licensed Auto Dealers Who Are Using The Streets Of Oakland To Sell Mass Numbers Of Vehicles (Many Of Them Unoperable). Request Information Regarding Ticketing Of These Vehicles Who Have No License Plates, Are Not Moved On Street Sweeping Day And Are Not Being Ticketed By Any Agency; As Soon As Possible On The Public Safety Committee Agenda

[16-0272](#)

4.2 Subject: Update On The Henry J. Kaiser Convention Center Adaptive Reuse Project

From: Economic And Workforce Development

Recommendation: Receive An Informational Update From Orton Development, Inc., On The Progress Of The Henry J. Kaiser Convention Center Adaptive Reuse Project; On The October 25, 2016 Community And Economic Development Committee Agenda

[16-0278](#)

4.3 Subject: Affordable Housing On The Oak To Ninth Project

From: Gene Hazzard

Recommendation: An Informational Report Related To The April 4, 2016 And The May 16, 2016 Letters From The State Department Of Finance Denying The City's Request For The Enforceable Obligation Of The Use Of \$4,000,000.00 For The Construction Of Affordable Housing On The Oak To Ninth Project Also Provide The Percentage Of Ownership In The Project Of Oakland Harbor Partners (AKA Signature Properties) And Zarison. Include ,The Current Status Of The Funds On Hand For The Construction Of Affordable Housing On The Oak To 9th Project; As Soon As Possible On The City Council Agenda

[16-0273](#)

- 4.4** Subject: Macarthur Station - Consent To Property Conveyance  
From: Economic And Workforce Development  
Recommendation: Recommend The Oakland Redevelopment Successor Agency ("ORSA") And The City Council Adopt The Following Pieces Of Legislation:

1) An ORSO Resolution Authorizing The ORSA Administrator Or Designee To (A) Execute A Consent To The Conveyance Of Parcels A And C-1 Of Macarthur Station By Macarthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of An Owner Participation Agreement ("OPA") Between ORSA And MTCP; And (B) Amend The OPA To (1) Reduce And Size Of The Retail Component For Each Parcel And Establish Retail Leasing Requirements For Parcel A, And (2) Extend Certain Development Deadlines; Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding Certain Of The Above Actions Are Not A "Project" Under CEQA; And

[16-0275](#)

2) A City Resolution Authorizing The City Administrator Or Designee To Execute A Consent To The Conveyance Of Parcels A And C-1 Of Macarthur Station By MTCP To Hines INC., Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of A Development Agreement Between The City Of Oakland And MTCP; And Relying On The Previously Certified 2008 Environmental Impact Report And 2015 Ceqa Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding The Conveyance Is Not A "Project" Under CEQA; On The October 25, 2016 Community And Economic Development Committee Agenda

[16-0276](#)

- 4.5** Subject: Macarthur Bart Parcels A And C1 Revision To FDP  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution: (A) Affirming Reliance On The Macarthur Station Project Environmental Impact Report (SCH No. 200622075) And That No Additional Environmental Review Is Needed Pursuant To CEQA Guidelines Sections 15162-15164 And Adopting Related CEQA Findings; And (B) Revising The MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01, Assessor Parcel Numbers 012 102501000 and 102501300), As Recommended By The Planning Commission; On The October 25, 2016 Community And Economic Development Committee Agenda With A Public Hearing On November 1, 2016

[16-0274](#)

- 4.6** Subject: Additional Funding For West Oakland Neighborhood Career Center  
From: Economic And Workforce Development  
Recommendation: Adopt A Resolution Amending Resolution NOS. 86253 And 86337 C.M.S., Which Adopted And Amended The Fiscal Year 2016-17 Workforce Development Budget And Authorized Workforce Service Provider Contracts, To Authorize \$48,098 Of Additional Funding To The Oakland Private Industry Council, Inc., To Provide Services At The West Oakland Neighborhood Career Center; On The October 25, 2016 Community And Economic Development Committee Agenda  
[16-0203](#)

**Legislative History**

9/15/16

\*Rules & Legislation  
Committee

Scheduled to the \*Community & Economic  
Development Committee

- 4.7** Subject: Substance Abuse & Mental Health Services Grant  
From: Human Service Department  
Recommendation: Adopt Resolution To Authorize The City Administrator To: (1) Accept And Appropriate A Grant Of \$1,000,000 Annually For Five Years From The United States Substance Abuse And Mental Health Services Administration (SAMHSA); (2) Create Two New Staff Positions In The Human Services Department To Oversee Grant Funded Activities; (3) Enter Into An Agreement With Alameda County Health Care Services Agency, In An Amount Not To Exceed \$100,000, To Provide Trauma-Informed Care Trainings From September 30, 2016 To September 29, 2017; (4) Enter Into Grant Agreements With Mental Health Providers Selected Through A Competitive Process In A Total Amount Not To Exceed \$240,000 To Provide Behavioral Health Services Without Returning To Council; And (5) Enter Into Professional Services Agreements From September 30, 2016 To September 29, 2017 With Resource Development Associates In An Amount Not To Exceed \$65,000 To Provide Evaluation Services And Technical Support, And Prevention Institute For In An Amount Not To Exceed \$20,000 To Provide Curriculum For Community Resilience Trainings; And Waive The Competitive Request For Proposal/Qualification Process; On The October 25, 2016 Life Enrichment Committee Agenda  
[16-0288](#)

- 4.8** Subject: Measure Z Evaluation Services Contract Award  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into A Professional Services Agreement With Mathematica Policy Research, Inc. To: a. Conduct A Comprehensive Evaluation Of Select Oakland Unite Strategies For Up To \$175,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$179,000 Per Year, For A Total Contract Amount Not To Exceed \$712,000 (Seven Hundred Twelve Thousand Dollars); And To b. Conduct Annual Evaluations Of All Oakland Unite Programs And Strategies For Up To \$170,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$185,000 Per Year, For A Total Contract Amount Not To Exceed \$725,000 (Seven Hundred Twenty-Five Thousand Dollars); And 2) Enter Into A Professional Services Agreement With Resource Development Associates To Conduct Annual Evaluations Of The Police Department's Geographic And Community Policing Programs For Up To \$102,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$132,000 Per Year, For A Total Contract Amount Not To Exceed \$498,000 (Four Hundred Ninety-Eight Thousand Dollars).; On The October 25, Public Safety Committee Agenda.

[16-0282](#)

- 4.9** Subject: OPD Crime Lab Supplies Procurement  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Waiving The City's Competitive Advertising And Bidding, And The Request For Proposals/Qualifications Requirements For The Purchase Of Certified And Accredited Forensic Laboratory Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Crime Laboratory Subject Matter Experts Determine Such Supplies And / Or Services Are Required By Forensic Casework Conditions, The Laboratory's Validated Methods, Or Its Quality Assurance Program, Or Needed For The Timely Analysis Of Evidence, Or When The Materials Or Services Are Available From Only One Source, In The Amount Of Up To Three Hundred Fifty Thousand Dollars (\$350,000) Per Fiscal Year Through June 30, 2020 For A Total Cost Not To Exceed One Million Four Hundred Thousand Dollars (\$1,400,000); On The October 25, 2016 Public Safety Committee Agenda

[16-0281](#)

- 4.10** Subject: Amendments To The Oakland Fire Code  
From: Oakland Fire Department  
Recommendation: Adopt An Ordinance 1) Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And 2) Adopting And Making Local Amendments To The 2016 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code As The Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code; On The October 25, 2016 Community And Economic Development And Public Safety Committee Agendas With A Public Hearing To Be Held On November 1, 2016 And November 29, 2016  
[16-0283](#)
- 4.11** Subject: FY 2016-17 Justice Local Assistance Grant (JAG) Funds  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate The Fiscal Year (FY) 2016 U.S. Department Of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In An Amount Not To Exceed Six Hundred And Nine Thousand, Seven Hundred Eighty Dollars (\$609,780) For October 1, 2015 Through September 30, 2019; On The October 25, 2016 Public Safety Committee Agenda  
[16-0280](#)
- 4.12** Subject: Waterways Enforcement Equipment Grant  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation, Division Of Boating And Waterways, In An Amount Not To Exceed Forty-Four Thousand Three Hundred And Eighty-Two Dollars (\$44,382) By September 30, 2017, To Purchase Equipment For The Marine Enforcement Unit (MEU) Of The Oakland Police Department (OPD); On The October 25, 2016 Public Safety Committee Agenda  
[16-0279](#)
- 4.13** Subject: FY 2015-16 Annual Report On Grants and Donations  
From: Off Of The City Administrator  
Recommendation: Receive An Annual Informational Report From The City Administrator On The Acceptance And Appropriation Of Restricted Grant Funds, Gifts, And Donations Of \$50,000 Or Less For The Period July 1, 2015 Through June 30, 2016.; On The October 25, 2016 Finance And Management Committee Agenda  
**16-0314**

- 4.14** Subject: 24th & Harrison Appeal  
From: The Office Of The City Administrator  
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 California Environmental Quality Act (CEQA) Exemptions (15183 & 15183.3) And Addendum (Relying On The Previously Certified 2014 Broadway Valdez District Specific Plan Environmental Impact Report (EIR).; On The November 1, 2016 City Council Agenda And As A Public Hearing On November 1, 2016  
**16-0315**
- 4.15** Subject: Sale Of 3455 And 3461 Champion Street Properties  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance To (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 Carlos Soloman And Dominica Rice-Soloman Or A Legal Entity Affiliated With Carlos Soloman & Dominica Rice-Soloman For (A) The Sale Of The Parcels Located At 3455 And 3461 Champion Street, Reserving To The City An Easement For A Fiber Optics Hub And Related Uses ("Property") For An Amount Not Less Than Three Hundred Forty Thousand Dollars (\$340,000), And (B) Development And Operation On The Property Of A Full Service Restaurant, 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 California Environmental Quality Act (CEQA) Exemption Findings; On The October 25, 2016 Community And Economic Development Committee Agenda  
**16-0317**
- 4.16** Subject: Classic Safety Police Employee Pension Cost Sharing  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Of Intention Of The California Public Employees' Retirement System (Calpers), And An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (Calpers); To Include A One Percent (1%) Employees Cost Sharing Of Additional Benefits For Tier I And Tier II Classic Police Members (California Government Code Section 20516), As Approved In The 2015 Memorandum Of Understanding Between City Of Oakland And Oakland Police Officer Association (OPOA), City Of Oakland And Oakland Police Management Association (OPMA).; On The November 1, 2016 City Council Agenda And As A Public Hearing On November 1, 2016  
**16-0318**



- 4.17** 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](#)

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; On The October 18, 2016 City Council Agenda.  
[16-0285](#)

- 4.18** Subject: Appointment To Housing, Residential Rent And Relocation Board  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Kevin Blackburn To The Housing, Residential Rent And Relocation Board; On The October 27, 2016 Rules And Legislation Meeting Agenda  
[16-0196](#)

Attachments: [View Report](#)

Legislative History

9/22/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee



- 4.19** Subject: Compassionate Communities / Homeless Encampments 16-17  
From: Department of Human Services  
Recommendation: Receive Informational Report On The Compassionate Communities Pilot Program And A Resolution Authorizing The City Administrator To: 1) Enter Into Grant Agreements With Bay Area Community Services In An Amount Not To Exceed \$121,000 And Alameda County Health Care Services Agency In An Amount Not To Exceed \$69,000 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 2) Accept And Appropriate Any Additional Encampment Services Funds 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, And Amend The Above Grant Agreements To Increase The Grant Amounts For Additional Encampment Services Efforts Without Returning To Council ;  
On The October 25, 2016 Life Enrichment Committee Agenda  
[16-0286](#)

- 6** A Review Of The Draft Agendas For The Council Committee Meetings Of October 25, 2016 And The Rules And Legislation Committee Of October 27, 2016  
[16-0235](#)

Attachments: [View Report](#)

- 7** Subject: Campaign Reform Act Amendment  
From: Councilmember Dan Kalb  
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](#)

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

Legislative History

9/29/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee

- 8 Subject: Resolution In Support Of Proposition 59  
From: Councilmember Kaplan and Councilmember Kalb  
Recommendation: Adopt A Resolution In Support Of Proposition 59, To Overturn The  
Citizens United Act Advisory Question

[16-0299](#)

Attachments: [View Report](#)

*This item was placed on the agenda by the Pursuant to Rule 28(B).*

*This item requires an Urgency Finding (2/3 majority vote) pursuant to Section 2.20.080  
E(2) of the Sunshine Ordinance, prior to hearing the item.*

**Open Forum (Total Time Available: 15 Minutes)**

**Adjournment**

**Americans With Disabilities Act**

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

**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.