



# 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 & Legislation Committee

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

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

---

Thursday, December 8, 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**

[16-0464](#)

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

- 2 Approval Of The Draft Minutes From The Committee Meeting Of November 17, 2016  
And December 1, 2016  
[16-0465](#)  
**Attachments:** [View Report](#)
- 3 Determination Of Schedule Of Outstanding Committee Items  
[16-0466](#)  
**Attachments:** [View Report](#)
- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas  
(SUPPLEMENTAL)  
[16-0467](#)  
**Attachments:** [View Report](#)  
[View Report](#)
- 4.1 Subject: Certification Of The Election Results From November 8, 2016 Election  
From: Office Of The City Clerk  
Recommendation: Adopt A Resolution Declaring The Results Of The City Of Oakland  
General Municipal Election Held On Tuesday, November 8, 2016; On The December  
13, 2016 City Council Meeting Agenda  
[16-0516](#)  
**Sponsors:** Office Of The City Clerk
- 4.2 Subject: Decertifying Previously Certified Environmental Impact Report  
From: The Office Of the City Attorney  
Recommendation: Adopt A Resolution Decertifying Previously Certified Environmental  
Impact Report For Mixed-Use Project, Consisting Of Market Rate And Affordable  
Senior Housing Units And Retail Space, At 4311-4317 MacArthur Blvd; On The  
December 13, 2016 City Council Agenda  
[16-0517](#)  
**Sponsors:** Office Of The City Attorney

- 4.3** Subject: Emergency Moratorium On Residential Hotel Conversion Or Demolition  
From: Council President Gibson McElhaney, President Pro Tempore Reid, Councilmember Kaplan, And Guillen  
Recommendation: Adopt An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Establishing A Temporary Moratorium On The Conversion, Demolition, Reconfiguration, And Rehabilitation Of Residential Hotels, To Take Effect Immediately Upon Adoption; This Item Is Currently On The December 13, 2016 City Council Agenda And Is Being Requested To Be listed As A Public Hearing

[16-0507](#)

**Sponsors:** Gibson McElhaney

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

[View Report](#)

**Legislative History**

12/1/16	*Rules & Legislation Committee	Scheduled to the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council
---------	--------------------------------	--

- 4.4** Subject: Coliseum Term Sheet With The Lott Group/Fortress  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution Authorizing A Term Sheet And Exclusive Negotiation With Oakland City Pro Football Group, LLC, And Fortress Investment Group, LLC, Or Affiliated Entities For Development Of A Stadium And Mixed-Use Projects At The Oakland- Alameda County Coliseum Complex And Adjacent City Properties; On The December 13, 2016 City Council Agenda

[16-0518](#)

**Sponsors:** Economic & Workforce Development Department

- 4.5** Subject: Informational Report On Unpermitted Residences In Commercial Spaces  
From: Council President Gibson McElhaney, President Pro Tempore Reid, and Councilmember Gallo  
Recommendation: Receive An Informational Report From The City Administrator Examining The Issue Of Residents Living In Unpermitted Commercial Or Industrial Spaces Which Includes Information On Health And Safety Risks, A Review Of Potential Policy Responses, And An Analysis Of Options To Create A Pathway To Legal Occupancy That Reduces The Risk Of Displacing Current Residents; As Soon As Possible On The Community And Economic Development Committee Agenda

[16-0519](#)

**Sponsors:** Gibson McElhaney, Mr. Reid and Gallo

- 5** A Review Of The Council Committees' Actions From December 6, 2016 And Determination Of Scheduling To The City Council Meeting Of December 13, 2016

[16-0468](#)

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

- 6 THERE ARE NO AGENDAS FOR THE WEEK OF DECEMBER 20, 2016 ALL MEETINGS ARE CANCELLED

[16-0469](#)

- 7 Subject: Examining Alameda County Probate Court Process, And Grand Jury Investigation  
From: Wilfred T. Ussery And Maxine Ussery / Member Of The Public  
Recommendation: Adopt A Resolution Requesting An Examination Of The Way In Which The Probate Courts In Alameda County Function And The City Clerk Sends Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy O'malley, Alameda County Supervisor Keith Carson, Assemblymember Tony Thurmond, And State Senator Loni Hancock

[16-0345](#)

**Sponsors:**

Member(s) of the Public

**Legislative History**

10/27/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee

*President Gibson McElhaney along with Pro Tempore Reid agreed to work on this request and revise the title if necessary with the City Attorney's approval.*

*The title of this item should read:*

*A Resolution Requesting An Examination By The Alameda District Attorney Of The Way In Which The Probate Courts In Alameda County Function And The City Clerk Send Copies Of The Resolution And Agenda Item To The Alameda County District Attorney Nancy Omaley, Alameda County Supervisor Keith Carson, And Assemblymember Tony Thurman, and State Senator Loni Hancock.*

*Council President Gibson McElhaney requested to also add to the list Assemblymember Rob Bonta.*

*City Attorney made the following adjustments: "...To Direct The Oakland City Clerk To Send Copies to..."*

- 8 Subject: Resolution In Support Of Overturning Proposition 209  
From: Councilmember Kaplan And President Gibson McElhaney  
Recommendation: Adopt A Resolution Calling On The State Of California To Overturn Proposition 209, A Ballot Initiative That Prevents US From Remediating Discrimination

[16-0417](#)

**Sponsors:**

Kaplan and Gibson McElhaney

**Attachments:**

[View Report](#)

[View Report](#)

**Legislative History**

11/17/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee

*Staff from Councilmember Kaplan's office requested to have Council President Gibson McElhaney to be added as a co-sponsor to this item.*

- 9 Subject: 2016 State And Federal Legislative Activities & Proposed 2017 Legislative Priorities

From: Office Of The Mayor

Recommendation: Receive The Attached Informational Report That Summarizes The City's Legislative Efforts In 2016 And Proposes The Legislative Agenda For 2017

[16-0344](#)

**Sponsors:** Office Of The City Administrator

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

**Legislative History**

10/27/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee

- 10 Subject: Resolution Calling For Reform To Abolish The Electoral College, Address Congressional Gerrymandering, And Eliminate Barriers To Voting

From: Councilmember Kalb And Kaplan

Recommendation: Adopt A Resolution (1) In Support Of Senator Barbara Boxer's Bill To Abolish The Electoral College and (2) Directing The City Administrator And City Lobbyist To Work With All Relevant State And Federal Elected Officials To (A) Develop And Ratify An Amendment To The United States Constitution To Replace The Electoral College With A National Popular Vote For President Of The United States Or, Alternatively, To Approve The National Popular Vote Interstate Compact, (B) Address Gerrymandering In Congressional Apportionment By Requiring Redistricting Reform, Such As By Having Independent State Redistricting Commissions Conduct Redistricting Instead Of State Legislatures, And (C) Eliminate Barriers To Voting.

[16-0449](#)

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

[View Supplemental Report](#)

[View Supplemental Report](#)

**Legislative History**

11/17/16

\*Rules & Legislation  
Committee

Scheduled to the \*Rules & Legislation  
Committee

*Councilmember Kalb requested to add Councilmember Kaplan as a co-sponsor with this item.*

- 11 Subject: 2017 Legislative Calendar

From: Council President Gibson McElhaney

Recommendation: Adopt The Proposed 2017 Legislative Calendar For The City Council And Council Committee Meeting, Report And Distribution Schedule

[16-0478](#)

**Sponsors:** Gibson McElhaney

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

**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**

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

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.