



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 - FINAL

*Rules & Legislation Committee

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

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

Thursday, October 5, 2017

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:

Lynette McElhaney, District 3; President Pro Tempore Abel J. Guillén, District 2; Vice Mayor Campbell Washington, District 4; Chairperson: President Reid, District 7

1 Determinations Of Closed Session

[17-0138](#)

2 Approval Of The Draft Minutes From The Committee Meeting Of September 21, 2017

[17-0139](#)

Attachments: [View Report](#)

3 Determination Of Schedule Of Outstanding Committee Items

[17-0140](#)

Attachments: [View Report](#)

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

[17-0141](#)

Attachments: [Item 4 Agendas](#)
[Item 4 Pending Lists](#)

4.1 Subject: Calculation Of Penalties Under The 2007 Prompt Payment Ordinance
From: Councilmember Gallo
Recommendation: Recive A Report On The City Administration's Calculation Of Penalties Paid To City Vendors And Contractors When Applying The 2007 Prompt Payment Ordinance (As Amended In 2014.); As Soon As Possible On The Finance And Management Committee Agenda

17-0214

4.2 Subject: Prohibit Contracting With Companies Bidding On The Border Wall
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Prohibit The City From Contracting With Companies That Contract With The Federal Government To Provide Services Or Goods To Construct The Border Wall Referenced In Executive Order No. 13767, Dated January 25, 2017; On The October 24, 2017 Finance And Management Committee Agenda

[16-1293](#)

Attachments: [View Report](#)

Legislative History

6/29/17	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
7/11/17	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Finance and Management Committee	Withdrawn with No New Date

There was 1 speaker on this item.

4.3 Subject: Vacation of Union Street
From: Department of Transportation
Recommendation: Receive An Informational Report On The Proposed Vacation Of Union Street Right Of Way From West Grand Avenue To 21st Street Requested By East Bay Municipal Utility District (EBMUD); On the October 24, 2017 Public Works Committee Agenda

17-0203

- 4.4** Subject: 2017 Mills Act Contract Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution Approving Five (5) Mills Act Contracts Between The City Of Oakland And The Properties At 836 Trestle Glen Road (Estimated \$8,669/Year Property Tax Reduction), 3130 Union Street (Estimated \$294/Year Property Tax Reduction), 1630-32 Myrtle Street (Estimated \$5,285/Year Property Tax Reduction), 783 20th Street (Estimated \$2,255/Year Property Tax Reduction, And 863 Cleveland Street (Estimated \$12,889/Year Property Tax Reduction), Pursuant To Ordinance 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs; On The October 24, 2017 Community And Economic Development Committee Agenda
17-0205
- 4.5** Subject: Quarterly Code Enforcement Report
From: Planning And Building Department
Recommendation: Receive An Informational Report On The Code Enforcement Activities of the Planning and Building Department; On The October 24, 2017 Community And Economic Development Committee Agenda
17-0215
- 4.6** Subject: Request To Schedule Special CED Meeting (5th Tuesday)
From: Council President Reid
Recommendation: Schedule A Special Community And Economic Development Committee Meeting For Tuesday, October 31, 2017 From 10:00AM-12:00 NOON
17-0213
- 4.7** Subject: Oak Knoll Project And City Owned Barcelona Parcel
From: Council President Reid
Recommendation: Adopt The Following Pieces of Legislation;
- 1) A Resolution (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings; (B) Amending The General Plan For The Project Site From Hillside Residential, Community Commercial, Institutional, Urban Open Space and Resource Conservation Area To Hillside Residential, Detached Unit Residential, Mixed Housing Type Residential, Neighborhood Center, Community Commercial, Urban Open Space And Resource Conservation Area; (C) Adopting A Planned Unit Development Permit, Preliminary Development Permit, Final Development Permits For The Master Developer Improvements And The Relocation And Rehabilitation Of Club Knoll, Design Guidelines, Conditional Use Permit, Phased Vesting Tentative Tract Map And Creek Permit; And (D) Approving A Tree Removal Permit As Recommended By The Public Works Agency For The Oak Knoll Mixed Use Community Plan Project Located At 8750 Mountain Boulevard, Oakland; And
17-0208

2) A Resolution (A) Certifying The Supplemental Environmental Impact Report And Adopting Related CEQA Findings And (B) Amending The General Plan From Hillside Residential And Resource Conservation To Detached Unit Residential For The City Owned Barcelona Parcel Located At Barcelona Street and St. Andrews Road, Oakland; And

17-0209

3) An Ordinance (A) Adopting CEQA Findings, Including Certification Of Supplemental Environmental Impact Report And (B) Rezoning The Project Site From RH-3 Hillside Residential Zone -3 and RH-4 Hillside Residential Zone -4 To The Proposed D-OK Oak Knoll District Zones Regulations, For The Oak Knoll Mixed Use Community Plan Project Located At 8750 Mountain Boulevard, Oakland; And

17-0210

4) An Ordinance (A) Adopting CEQA Findings, Including Certification Of Supplemental Environmental Impact Report And (B) Rezoning From RH-3 Hillside Residential Zone -3 To The Proposed D-OK-1 Oak Knoll District Residential Zone - 1 And The D-OK-7 Passive Open Space Zoning For The City Owned Barcelona Parcel Located At Barcelona Street and St. Andrews Road, Oakland; On The October 31, 2017 Special Community And Economic Development Committee Agenda And As A Public Hearing On The November 7, 2017 City Council Agenda

17-0211

4.8 Subject: Mayor's Commission On Persons With Disabilities
From: ADA Programs Division
Recommendation: Receive An Annual Report From The Mayor's Commission On Persons With Disabilities; On The October 24, 2017 Life Enrichment Committee Agenda

17-0207

4.9 Subject: Winter Shelter Strategy
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, 2017 Through June 30, 2018:

1. Accept And Appropriate Up To \$150,000 From Alameda County And Up To \$15,000 From City Of Emeryville;
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 \$108,000;
3. Amend The Grant Agreements With The Following Agencies In The Following Amounts: St. Mary's Center In An Amount Not To Exceed \$15,000; 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, 2017 Through June 30, 2018; And Amend The Grant Agreements Above To Increase The Grant Amounts, And Execute New Grant Agreements For Additional Winter Relief Efforts For The Period Of November 1, 2017 Through June 30, 2018 Without Returning To Council; On The October 24, 2017 Life Enrichment Committee Agenda
17-0220

4.10 Subject: Restrooms And Handwashing Stations On City-Owned Land
From: Councilmember Kaplan
Recommendation: Receive An Informational Report And Options For Actions To Provide Restrooms And Handwashing Stations On City-Owned Land, Starting With City Hall Plaza; On The November 14, 2017 Life Enrichment Committee Agenda
17-0212

4.11 Subject: Informational Report On Art And Soul Festival
From: Councilmember McElhaney
Recommendation: Receive An Informational Report From The City Administrator On The Art And Soul Festival That Includes: Financial Data, Performance, A List Of Performers, And Vendor Satisfaction Data From Past Five Years; A Description Of The Current Process To Produce The Event; And An Anlysis Of The Potential Costs And Benefits Of Issuing A Request For Proposals For New Organizations To Produce The Event; On The December 5, 2017 Life Enrichment Committee Agenda
17-0216

4.12 Subject: Discussion Of Education Partnership Schedule And Agenda
 From: Councilmember McElhaney
 Recommendation: Receive An Informational Discussion Of The Education Partnership Committee's 2017-2018 Legislative Season To Include The Scheduling Of Future Meetings And The Subjects To Be Addressed By The Committee; On The October 24, 2017 Education Partnership Committee Agenda
17-0217

4.13 Subject: Honoring Rocio Fierro - Ceremonial Resolution
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Honoring Rocio Fierro For 27 Years Of Dedicated Service To The City Of Oakland; On The October 17, 2017 City Council Agenda
17-0218

4.14 Subject: Emergency Ordinance To Establish Interim Controls
 From: President Pro Tem Guillén
 Recommendation: Adopt An Emergency Ordinance, Pursuant To Charter Section 213, Establishing Interim Controls Which Include But Are Not Limited To, Requiring Additional Criteria For Demolition Of Any Structure And The Conversion Of Housing Units Into Condominiums; Requiring Major Conditional Use Permit For Projects Involving More Than 50,000 Square Feet Of New Floor Area And For New Hotels; Prohibiting New Auto Fee Parking Lots; And Adding Enhanced Noticing Requirements For An Area Surrounding The Potential Location Of An Oakland Athletics Baseball Stadium, To Take Effect Immediately Upon Introduction And Adoption; On The October 17, 2017 City Council Agenda
17-0219

4.15 Subject: Police Commission Appointments
 From: Office Of The City Administrator
 Recommendation: Adopt A Resolution Accepting The Selection Panel's Slate Of Four Police Commissioners And One Alternate To Serve On The City Of Oakland Police Commission; On The October 17, 2017 City Council Agenda
[17-0147](#)

Attachments: [9-21-17 View Report](#)

Legislative History

9/21/17	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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- 4.16** Subject: Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws
 From: City Attorney Barbara Parker, Council President Larry Reid, Councilmembers Guillen and Kaplan
 Recommendation: Adopt A Resolution In Opposition To Federal Legislation To Weaken Or Eliminate California Firearms Laws, Including Congressional Bill HR 367, Which Would Remove Federal Restrictions On Gun "Silencers" And Prohibit California From Enforcing Its Ban On Silencers And From Otherwise Regulating The Sales And Possession Of Silencers; On The October 17, 2017 City Council Agenda
17-0206

Legislative History

10/3/17	* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	No Action Taken
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Councilmember Guillen made a motion seconded by Councilmember Kaplan to approve the urgency finding on item 17-0206 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action

(1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

The Council President used his discretion to allow speakers to speak to the scheduling of the item. There were 2 speakers on the item

This item FAILED with a vote of 5 AYES (Campbell Washington, Guillen, Kalb, Kaplan and Reid) 3 NOS (Brooks, Gallo, McElhaney)

- 5** A Review Of The Draft Agendas For The City Council Meeting Of October 17, 2017 And The Rules And Legislation Committee Of October 19, 2017

[17-0142](#)

Attachments: [View Report](#)

- 6** Subject: Opposition HR 38
 From: Councilmembers Brooks, Gallo, And Kaplan
 Recommendation: Adopt A Resolution In Opposition Of House Resolution 38, Known As The Concealed Carry Reciprocity Act Of 2017 And S446 Known As The Constitutional Concealed Carry Reciprocity Act Of 2017, Which Would Force Every State To Recognize Concealed Carry Permits By Every Other State, Regardless Of The Permitting Standards, Or Lack Thereof, Of That State.

[17-0146](#)

Attachments: [View Report](#)

Legislative History

9/21/17	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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7 Subject: Ban On Drilling, Fracking In Waters Off The California Coast
 From: Councilmember Kalb
 Recommendation: Adopt A Resolution In Support Of (1) A Ban On New Drilling, Fracking, And Other Well Stimulation In Federal And State Waters Off The California Coast, (2) A Ban On New Federal Oil And Gas Leases In The Pacific, Atlantic, Arctic Oceans And The Eastern Gulf Of Mexico-Areas Currently Protected From New Leases; And 3) A Rapid Phase-Out Of All Oil And Gas Extraction Off The California Coast On A Rapid Schedule Sufficient To Respond To The Climate Crisis.

[17-0162](#)

Attachments: [View Report](#)

Legislative History

9/21/17	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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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.**