



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, October 17, 2019

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:

Council President Rebecca Kaplan, At-Large; President Pro Tempore Dan Kalb, District 1; Lynette McElhaney, District 3; Chairperson: Sheng Thao, District 4

1 Determinations Of Closed Session

[18-2290](#)

Attachments: [View Report](#)

2 Approval Of The Draft Minutes From The Committee Meeting Of October 3, 2019

[18-2291](#)

Attachments: [View Report](#)

3 Determination Of Schedule Of Outstanding Committee Items

[18-2292](#)

Attachments: [View Report](#)

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

[18-2293](#)

Attachments: [View Report](#)

4.1 Subject: Rescind The Action Item Of December 14, 2018

From: Member Of The Public: Gene Hazzard

Recommendation: Rescind The Action Item Of December 14, 2018 Where Members Of The Oakland City Council Voted Approving "The Children's Initiative Of 2018" AKA Measure AA Which Appeared On The November 6, 2018 General Election Ballot. The Measure Was A \$198.00 Parcel Tax Measure Where The Certified Election Results Of The Alameda County Registrar Of Voters Said The Measure Failed Because It Did Not Receive The Supermajority Or 2/3 Voter Approval For Passage. The Council 's Action On December 14, 2018 Was Contrary To The Certified Election Results, Therefore The Error Must Be Corrected; As Soon As Possible On The City Council Agenda

18-2336

4.2 Subject: ENA Amendment, 2100 Telegraph Project

From: Economic Workforce And Development Department

Recommendation: Adopt A Resolution Authorizing A Fifth Amendment To The Exclusive Negotiating Agreement ("ENA") With W/L Telegraph Owner, LLC, Or An Affiliate, For Development Of A Mixed-Use Project On City-Owned Property Located At 2100 Telegraph Avenue (Assessor's Parcel Number: 008-0648-016-03) To (1) Extend The Term By Three Months (Retroactively, If Necessary) From October 21, 2019 To January 21, 2020 Contingent Upon Payment of a \$10,000 Extension Fee, With An Additional Three-Month Administrative Extension Option, Conditioned Upon Payment Of An Additional \$10,000 Extension Fee, and (2) Extend Performance Deadlines, Relying On California Environmental Quality Act (CEQA) Exemption Pursuant To Sections 15262, 15306 And 15061(B)(3) Of The CEQA Guidelines; On The November 5, 2019 City Council Agenda

18-2351

4.3 Subject: 12th Street Remainder Second DDA Amendment
From: Economic Workforce And Development Department
Recommendation: Adopt An Ordinance To Authorize A Second Amendment To The Disposition And Development Agreement Between The City Of Oakland And, Lakehouse Commons, LLC And Lakehouse Commons Affordable Housing, LP, To (1) Extend The Outside Date (Retroactively, If Necessary) And Related Performance Deadlines In Exchange For Monthly Payment Of An Additional Deposit And An Extension Fee, (2) Require Reappraisal Of The Property And Renegotiation Of The Purchase Price, (3) Replace The Project Labor Agreement Requirement With An Alternative Requirement, And (4) Remove The Option For City Financing Of 50 Percent Of The Purchase Price Attributable To The Market Rate Project; On The October 29, 2019 City Council Agenda As A Consent Item
18-2352

4.4 Subject: Appeal Of The Planning Commissions Decision On PLN19215-A01
From: Planning And Building Department
Recommendation: Adopt One Of The Following Three Options:

1) A Resolution Denying The Appeal By Dunya Alwan, Ryder Diaz, The East 12th Coalition Through R Michael Flynn (PLN19215-A01) And Upholding The Planning Commissions Decision To Approve A Major Conditional Use Permit, Minor Variance, Regular Design Review And Environmental Determination To Construct Two Residential Buildings With A Ground Floor Commercial Use At 101 E. 12th Street; Or
18-2353

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or
18-2354

3) A Motion to Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; On The October 29, 2019 City Council Agenda As A Public Hearing
18-2355

4.5 Subject: JPA - Reappointing Commissioner Christin Hill
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As Follows - Reappointing Commissioner Christin Hill To Serve The Term Beginning October 9, 2019 And Ending October 8, 2021; On The November 5, 2019 City Council Agenda
[18-2307](#)

Attachments: [View Report](#)

[Legislative History](#)

10/3/19

*Rules & Legislation
Committee

Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

- 4.6** Subject: JPA - Reappointing Commissioner Reverend Dr. Jacqueline A. Thompson
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The
Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As
Follows - Reappointing Commissioner Reverend Doctor Jacqueline A. Thompson To
Serve The Term Beginning October 8, 2019 And Ending October 7, 2021; On The
November 5, 2019 City Council Agenda
[18-2308](#)

Attachments: [View Report](#)

Legislative History

10/3/19

*Rules & Legislation
Committee

Scheduled to the * Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

- 4.7** Subject: National League Of Cities Travel Authorization
From: Councilmember Taylor
Recommendation: Adopt A Resolution Authorizing Councilmember Loren Taylor's Travel
To San Antonio, Texas For Attendance At The National League Of Cities Conference
From November 20-23, 2019 And Reimbursement Of Approximately \$2,519.00 In Travel
Costs From The Council Contingency Fund; On The November 5, 2019 City Council
Agenda As A Consent Item
18-2356
- 4.8** Subject: Recognizing November 2019 As "Native American Heritage Month"
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing The Month Of November 2019 As
"Native American Heritage Month" To Honor The Contributions, Achievements, Culture,
And Historical Legacy Of All Native American Communities And Their Importance To The
United States Of America; On The November 5, 2019 City Council Agenda As A
Ceremonial Item
18-2357
- 4.9** Subject: Settlement Agreement - Lamesha Smith, Et Al. V. City of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
Compromise And Settle The Case Of Lamesha Smith, Et Al. V. City Of Oakland, Et Al.,
United States District Court Case No. 18-CV-06224 EDL, City Attorney's File No. 32640,
In The Amount Of Two Hundred And Fifty Thousand Dollars And No Cents (\$250,000.00)
(Oakland Police Department - Excessive Force/Failure To Train): On The November 5,
2019 City Council Agenda
18-2337

- 4.10** Subject: Eliminate Obsolete Requirements For The City's Official Newspaper
From: President Kaplan
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At A March 3, 2020 Special Municipal Election, An Amendment To City Charter Article XII, Section 1205 To Eliminate Obsolete Requirements For The City's Official Newspaper And Authorize The Council To Establish Requirements By Ordinance; And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election; On The October 31, 2019 Rules And Legislation Committee Agenda
18-2349
- 4.11** Subject: Advisory And Litigation Costs And Trends
From: Office Of The City Attorney
Recommendation: Receive An Informational Report From The City Attorney Regarding Advisory And Litigation Costs And Trends; To Be Rescheduled From October 22, 2019 To February 25, 2020 Finance And Management Committee Agenda
[18-2129](#)
Attachments: [NO WRITTEN MATERIAL WAS SUBMITTED](#)
- 4.12** Subject: Special Life Enrichment Committee Meeting
From: Councilmember Taylor
Recommendation: Request To Schedule A Special Meeting Of The Life Enrichment Committee On December 4, 2019 At 5:00 P.M.
18-2358
- 4.13** Subject: Receive An Informational Report
From: Councilmember Gallo
Recommendation: Receive An Informational Report From OPD On The Progress Of The Oakland Police Department's Compliance With The Negotiated Settlement Agreement (NSA) In The Case Of Delphine Allen V. City Of Oakland, Et Al., USDC Case No. C-00-4599 TEH, Including Staff's Response Timeline, And Recommendations For Achieving Full Compliance; On The November 12, 2019 Public Safety Committee Agenda
18-2340

4.14 Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Grant Funding
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into An Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of 2019 Urban Search And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Thirty-Five Thousand And One Hundred Four Dollars (\$1,235,104) And Supplemental Funding Not To Exceed Fifty Percent (50%) Of Said Amount, For Equipment Purchase And Operational Costs For The Fire Department’s US&R Task Force (US&R Task Force); (B) Expend Said Grant Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval; (2) Accepting And Appropriating Said Grant For The US&R Task Force; (3) Waiving The City’s Purchasing Requirements For Procurement Of US&R Task Force Equipment When Required By Said Grant; And (4) Providing Funding From The General Purpose Fund To Cover The Cost Of Internal Service Fund Charges Affiliated With Said Grant; On The November 12, 2019 Public Safety Committee Agenda
18-2350

5 A Review Of The Draft Agendas For The Special 5th Tuesday City Council Meeting Of October 29, 2019 And The Rules And Legislation Committee Of October 31, 2019
[18-2294](#)

Attachments: [View Report](#)

S6 Subject: Ballot Measure - Appropriations Limit Increase
 From: Finance Department
 Recommendation: Adopt A Resolution On The City Council’s Own Motion Submitting To The Voters At A March 3, 2020 Municipal Election, An Ordinance To Increase The Appropriation Limit For Fiscal Years 2020-21 Through 2023-24 To Allow The City To Expend Funds Collected From Eight Voter-Approved General And Special Tax, Ballot Measures - For Emergency Medical Services, Paramedic Services, Library Services, Public Safety And Violence Prevention Services, Homeless Services And Other Lawful Governmental Purposes; And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election
[18-2243](#)

Attachments: [View Report](#)

Pursuant to Rule 28 of Resolution 87044 C.M.S., this item was added to this agenda.

Legislative History

9/19/19	*Rules & Legislation Committee <i>The Committee Approved a Title Change read into record</i>	Scheduled to the *Rules & Legislation Committee
9/26/19	*Rules & Legislation Committee <i>The Committee accepted a Title Change read into record</i>	Scheduled to the *Rules & Legislation Committee

S7 Subject: Resolution Recognizing Importance Of 2020 U.S. Census
 From: Mayor Schaaf, Councilmembers Bas And McElhaney
 Recommendation: Adopt A Resolution Recognizing The Importance Of The 2020 U.S. Census And Encouraging All Residents To Participate In The Census To Ensure An Accurate Count For The City Of Oakland

[18-2252](#)

Attachments: [View Report](#)

Pursuant to Rule 28 of Resolution 87044 C.M.S., this item was added to this agenda.

Legislative History

9/19/19	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
		<i>Councilmember McElhaney requested to be added as a Co-Sponsor</i>

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.**