



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 5, 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

[18-2478](#)

Attachments: [View Report](#)

- 2 Approval Of The Draft Minutes From The Committee Meeting Of October 31, 2019 And November 7, 2019

[18-2479](#)

Attachments: [View Report - 10/31/2019](#)
 [View Report - 11/7/2019](#)

- 3 Determination Of Schedule Of Outstanding Committee Items

[18-2480](#)

Attachments: [View Report](#)

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

[18-2481](#)

Attachments: [View Report](#)

- 4.1 Subject: Rescind The "The Children's Initiative Of 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 Must Be Rescinded!; On A City Council Agenda As Soon As Possible

18-2255

Legislative History

| | | |
|---------|--------------------------------|----------------------------|
| 9/19/19 | *Rules & Legislation Committee | Withdrawn with No New Date |
|---------|--------------------------------|----------------------------|

The Agenda was modified to show item 4.5 and 4.7 being heard together

DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES & LEGISLATION COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:15 P.M.

| | | |
|---------|--------------------------------|---|
| 11/7/19 | *Rules & Legislation Committee | Continued to the *Rules & Legislation Committee |
|---------|--------------------------------|---|

- 4.2** Subject: Oakland Promise Audit
From: Member Of The Public: Gene Hazzard
Recommendation: Receive A Report From The Office Of The City Auditor Related To The Oakland Promise Investigation At The First City Council Meeting In December 2019 Or Soon Thereafter; On The December 10, 2019 Special City Council Agenda
18-2537
- 4.3** Subject: Amending Resolution Authorizing Oakland Promise
From: President Kaplan
Recommendation: Adopt A Resolution Implementing Recommendations of the City Auditor Regarding Oakland Promise, And Amending Resolution No. 85809 C.M.S. (Actions Taken By The Mayor During The Oakland City Council 2015 Annual Recess) Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) With The East Bay College Fund To Implement The Oakland Promise Initiative; On The January 16, 2019 Rules And Legislation Committee Agenda
18-2542
- 4.4** Subject: 1750 Broadway: Appeal By East Bay Residents For Responsible Development
From: Planning And Building Department
Recommendation: Adopt One Of The Following Three Options:
- 1) A Resolution Denying The Appeal (APL19013) By East Bay Residents For Responsible Development (EBRRD) Led By Adams Broadwell Joseph & Cardozo And Upholding The Planning Commission's Environmental Determination And Approval Of A Major Conditional Use Permit For Building Construction Over 200,000 Square Feet And Regular Design Review For The Project Located At 1750 Broadway, Oakland CA (PLN18369); Or
18-2484
- 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
18-2486
- 3) A Motion To Direct Staff To Prepare A Resolution For Future City Consideration To Uphold The Appeal; On The December 10, 2019 Special City Council Agenda As A Public Hearing
18-2488

4.5 Subject: 1750 Broadway Project (Appeal By Residents Of 1770 Broadway)
From: Planning And Building Department
Recommendation: Adopt One Of The Following Three Options:

1)) A Resolution Denying The Appeal By The Residents Of 1770 Broadway Led By Joseph Hornof (APL19010) And Upholding The Planning Commission's Environmental Determination And Approval Of A Major Conditional Use Permit For Building Construction Over 200,000 Square Feet And Regular Design Review For The Project Located At 1750 Broaway, Oakland CA (PLN18369); Or

18-2490

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

18-2491

3) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; On The December 10, 2019 Special City Council Agenda As A Public Hearing

18-2492

4.6 Subject: Delinquent Real Estate Property Transfer Taxes Assessment Of Liens
From: Finance Department
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; Or

18-2495

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Real Property Transfer Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 4.20 Of The Oakland Municipal Code; Or

18-2496

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Real Property Transfer Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 4.20 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection; On The December 10, 2019 Special City Council Agenda As A Public Hearing

18-2498

4.7 Subject: Delinquent Business Tax Assessment Of Liens
From: Finance Department
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection (Option 1); Or

18-2499

2) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Business Taxes And The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 5.04 Of The Oakland Municipal Code (Option 2); Or

18-2501

3) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator On The Costs Incurred By The City Of Oakland For Delinquent Business Taxes And Authorizing The Recordation Of Liens With Administrative And Assessment Charges As Necessary Pursuant To Chapter 5.04 Of The Oakland Municipal Code, And Directing The Notice Of Lien And Assessment Charges Be Turned Over To The County Tax Collector For Collection (Option 3); On The December 10, 2019 Special City Council Agenda As A Public Hearing

18-2502

4.8 Subject: Mandatory Trash Delinquent Fees And Special Assessment Charges 2019
From: Finance Department
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) A Resolution Accepting And Confirming Reports Of The City Administrator For Delinquent Trash Service Fees With Administrative And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection For The Monthly Periods Of July, August, And September 2019 And Quarterly Period Of October-December 2019 (Option 1); Or

18-2504

2) A Resolution Overruling Protests And Objections And Accepting And Confirming Reports Of The City Administrator For Delinquent Trash Service Fees With Administrative And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection For The Monthly Periods Of July, August, And September 2019 And Quarterly Period Of October-December 2019 (Option 2); Or

18-2505

3) A Resolution Continuing Hearing Of The Reports Of The City Administrator On Delinquent Trash Service Fees With Administrative And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection For The Monthly Periods Of July, August, And September 2019 And Quarterly Period Of October-December 2019 (Option 3); On The December 10, 2019 Special City Council Agenda

18-2506

4.9 Subject: Oakland Go Bonds (Measure KK) And Refunding Series 2020
From: Finance Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Approving The Issuance Of City Of Oakland General Obligation Bonds (Measure KK) In An Aggregate Principal Amount Not To Exceed \$190,000,000 And City Of Oakland General Obligation Refunding Bonds In An Aggregate Principal Amount Not To Exceed \$69,000,000; Approving A Fiscal Agent Agreement And Escrow Agreement; And Authorizing Necessary Related Actions; And

18-2514

2) A Resolution Identifying Projects Authorized For Funding With Proceeds Of City Of Oakland General Obligation Bonds (Measure KK), Series 2020B-1 And Series 2020B-2, And Allocating Bond Proceeds For The Identified Projects; On The December 10, 2019 Special City Council Agenda

18-2515

- 4.10** Subject: FY 2019-20 Midyear Budget Amendments
From: Finance Department
Recommendation: Adopt A Resolution Amending The Fiscal Year (FY) 2019-20 Adopted Budget, To Make Adjustments To The FY 2019-20 Revenue And Expenditure Appropriations In The General Purpose Fund (GPF) And Non-GPF Funds; On The December 10, 2019 Special City Council Agenda
18-2535
- 4.11** Subject: Settlement Agreement - Ariel Spritzer-Satomi 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 Ariel Spritzer-Satomi V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG1682573, City Attorney's File No. 31107, In The Amount Of One Million Six Hundred And Sixty-Six Thousand Dollars And Sixty-Seven Cents (\$1,666,666.67) (Department Of Transportation - Dangerous Condition); On The December 10, 2019, Special City Council Agenda As A Consent Item
18-2518
- 4.12** Subject: Settlement Agreement - Sebastian Sanchez V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Sebastian Sanchez V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG17852080, In The Amount Of Two Million Dollars Five Hundred Thousand Dollars And No Cents (\$2,500,000.00) As A Result Of An Automobile Collision On May 20, 2016 (Oakland Police Department - Automobile Collision); On The December 10, 2019 Special City Council Agenda As A Consent Item
18-2539
- 4.13** Subject: A Resolution Recognizing Volunteers
From: Councilmember Gallo
Recommendation: Adopt A Resolution Recognizing Volunteers For Their Community Service To Make Oakland A Safe And Clean City; On The December 10, 2019 Special City Council Agenda
18-2519
- 4.14** Subject: 2020 Schedule Of The City Council And Council Committee Meetings
From: Council President Kaplan
Recommendation: Approve Report And Recommendation For The City Council To Adopt The Proposed 2020 Schedule Of The City Council And Council Committee Meetings 2020 And An Associated Agenda And Report Distribution Schedule; On The December 10, 2019 Special City Council Agenda As A Consent Item
18-2483

- 4.15** Subject: City Council Presidents Appointments 2020
From: Council President Kaplan
Recommendation: Adopt A Resolution Pursuant To The Council's Rule Of Procedure (Resolution No. 87044 C.M.S.) And Amending Resolution No. 87490 C.M.S. To Confirm The City Council President's Appointments of Committee Members; On The January 21, 2020 City Council Agenda As A Consent Item
18-2533
- 4.16** Subject: Reallocation Of Police Commission Office Of The Inspector General Fund
From: Police Commission
Recommendation: Adopt Resolution Authorizing The City Administrator, Or Designee, To Reallocate \$649,204 In Salary Savings In The Police Commission's Civilian Office Of The Inspector General During Fiscal Year 2019-20 To Fund Professional Services Agreements For An Investigation Of Community Police Review Agency (CPRA) Cases 07-0538, 13-1062, And 16-0147 With Knox & Ross Law Group, Engage The Community On A Revised Oakland Police Department Use Of Force Policy With Raheem, Facilitation Of A Police Commission Retreat With Walker And Associates, An Audit Of Current And Previously Issued CPRA Cases With Mason Investigative Group, And Other Expenses; On The First Finance And Management Committee Meeting In January 2020
[18-2503](#)

Attachments: [View Report](#)
- 4.17** Subject: League Of California Cities Travel Authorization And Reimbursement
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing The Travel And Reimbursement Of Councilmember Noel Gallo's Travel To San Antonio, Texas For Attendance At The League Of California Cities Conference From November 20, 2019 Through November 24, 2019 In The Amount Of \$2,172.26 In Travel Costs From The Council Contingency Fund For Travel; On The First City Council Meeting Agenda In January 2020
18-2540
- 4.18** Subject: A Status Report On Sidewalk Ordinance 13549
From: Vice Mayor Reid
Recommendation: Receive A Status Report On: 1)The Implementation Of Sidewalk Ordinance 13549 To Include The Process On How To Obtain The Sidewalk Ordinance Compliance Certificate, Including The Process For Exemptions 2) The Process To Obtain Information If A Tree Causing Sidewalk Damage Is A Certified City Tree And The Documentation That Would Be Provided To The Property Owner And 3) Approve A 90 Day Moratorium On The Ordinance; On The January 14, 2020 Finance And Management Committee Agenda
18-2531

4.19 Subject: Create The Commission On Homelessness
 From: Council President Kaplan
 Recommendation: Adopt An Ordinance Amending Chapter 4.56 Of The Oakland Municipal Code To Create The Commission On Homelessness; On The January 14, 2020 Life Enrichment Committee Agenda
18-2517

4.20 Subject: Measure D- Oakland Fund For Children & Youth/Kids First! Extension
 From: The Life Enrichment Committee
 Recommendation: Adopt An Ordinance To Reauthorize And Extend For Twelve Years An Amendment Of The Charter Of The City Of Oakland (Article XIII Section 1300) Establishing The Kids First! Oakland Fund For Children And Youth As Approved By The Passage Of The 2009 Kids First! Voter Initiative Measure D; On The First Life Enrichment Committee Agenda February 2020
18-2532

4.21 Subject: Equitable And Community Oriented Opportunity Zones
 From: The Community And Economic Development Committee
 Recommendation: Adopt A Resolution Adopting Recommendations For The City Of Oakland To Guide Equitable, Community Oriented Real Estate And Business Development Through The Federal Economic Opportunity Zone Program; On The First Community And Economic Development Committee Agenda In January 2020
[18-2534](#)

Legislative History

| | | |
|---------|---|---|
| 12/3/19 | *Special Community & Economic Development Committee | Scheduled to the *Rules & Legislation Committee |
|---------|---|---|

4.22 Subject: Police Commission Oversight
 From: The Public Safety Committee
 Recommendation: Adopt A Resolution Clarifying The Process For Oversight Of The Police Commission; On The First Public Safety Committee Agenda In January 2020
18-2538

4.23 Subject: Remove Outdated And Obsolete Sections
 From: Office Of The City Attorney
 Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Title 5, Chapter 5.70 To Remove Outdated And Obsolete Sections 5.70.020, New Business Reports, 5.70.030, Pickle Manufacturing, And 5.70.040, And And Gravel Sales; On The December 10, 2019 Special City Council Agenda
18-2543

5 A Review Of The Council Committees' Actions From The Meetings Of December 3, 2019 And Determination Of Scheduling To The Special City Council Meeting Of December 10, 2019

[18-2482](#)

Attachments: [View Report](#)

6 There are No Draft Agendas For Review December 16, 2019 Through December 31, 2019 Due to Winter Recess

7 Subject: 2019 Legislative Summary And 2020 Legislative Agenda
From: Office Of The Mayor
Recommendation: Receive An Informational Report That Summarizes The City's State And Federal Legislative Efforts In 2019 And Proposes The Legislative Priorities For 2020

[18-2454](#)

Attachments: [View Report](#)

Legislative History

| | | |
|---------|--------------------------------|---|
| 11/7/19 | *Rules & Legislation Committee | Scheduled to the *Rules & Legislation Committee |
|---------|--------------------------------|---|

8 Subject: Cesar Chavez National Historic Park
From: Councilmember Gallo
Recommendation: Adopt A Resolution In Support Of The National Park Service And The Wilderness Society In The Establishment Of The Cesar Chavez Historic Park

[18-2457](#)

Attachments: [View Report](#)

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

Legislative History

| | | |
|---------|--------------------------------|---|
| 11/7/19 | *Rules & Legislation Committee | Scheduled to the *Rules & Legislation Committee |
|---------|--------------------------------|---|

9 Subject: A Resolution In Support Of Senate Bill 378 (Wiener)
From: Councilmember Thao, Kalb And Mayor Schaaf
Recommendation: Adopt A Resolution Supporting Senate Bill 378 (Wiener) That Would: (1) Require PG&E To Create A Fund To Reimburse Customers And Local Governments For Power Shutoff Costs, (2) Impose Civil Penalties On PG&E For Shutoffs, (3) Require PG&E To Annually Report On Condition Of Its Equipment, The Economic, Environmental And Public Safety Impacts Of Shutoffs And Fire And Safety Risks, And (4) Encourage New Electrical Service Options

[18-2423](#)

Attachments: [View Report](#)

[View Supplemental Report 11/8/2019](#)

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

Legislative History

10/31/19

*Special Rules and
Legislation Committee

Scheduled to the *Rules & Legislation
Committee

The Committee Accepted a Title Change read into record

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.