

CITY HALL . ONE FRANK H. OGAWA PLAZA, 4TH FLOOR . OAKLAND, CALIFORNIA 94612

Office of the City Auditor
Brenda D. Roberts, CPA, CFE, CIA
City Auditor

(510) 238-3378 FAX (510) 238-7640 TDD (510) 238-3254 www.oaklandauditor.com

June 27, 2016

OFFICE OF THE MAYOR
HONORABLE CITY COUNCIL
CITY ADMINISTRATOR
CITY ATTORNEY
CITIZENS OF OAKLAND
OAKLAND, CALIFORNIA

RE: Performance Audit of the City of Oakland Rent Adjustment Program

Dear Mayor Schaaf, President McElhaney, Members of City Council, City Administrator Landreth and Oakland Citizens:

Over the past four years, Oakland has seen tremendous growth in jobs and opportunities for its citizens. And yet, housing has not kept up with this pace and home prices and residential rental rates have increased to the point that many Oaklanders can no longer afford to live in this city – a city in which the majority of its residents are renters.

The Rent Adjustment Ordinance was adopted in 1980 by the Oakland City Council to provide stable housing to tenants and to encourage investment in residential rental properties. Since then, there have been amendments to further strengthen tenant protections.

The objective of this audit was to confirm that efficiencies are utilized to enhance the process and that appropriate controls are in place so that the Rent Adjustment Program (RAP) is successful in meeting its intended goals—to administer the Rent Adjustment Ordinance that promotes relief to Oakland residents and limits rent increases and promotes investment in residential rental housing.

The audit provides for recommendations that are intended to assist the City in supporting the RAP and developing action plans for improvement. Specifically, our recommendations call for timely appointments of vacant positions on the Rent Board, a formal training program for Rent Board members, and a broader outreach and education program to tenants and landlords that leverages newer technologies and embraces the City's commitment to transparency.

The audit recommends changes to the Rent Program fee, proposing to increase the fee to be between \$63 to \$70 per unit per year. This recommendation is contingent upon the City Administrator's thorough review of the listing of residential rental properties in Oakland, to determine accurate billings of rental properties covered under the RAP and Just Cause Ordinances.

Other recommendations relate to budget monitoring, review of workflow processes, upgrading city offices to be better suited for public hearings, review of resource needs and ordinance redundancies to achieve greater efficiencies, and the institution of a quality review program.

I want to express our appreciation to the Oakland Housing & Community Development Director and her staff for their cooperation during this audit and to their commitment to the mission and goals of the Rent Adjustment Program.

I am most appreciative of the work conducted by the students assigned to this project under the UC Berkeley Goldman School of Public Policy's Introduction to Policy Analysis class. Their contributions to the audit's recommendations for public outreach are thoughtful, comprehensive and forward-thinking.

Respectfully submitted.

BRENDA D. ROBERTS

City Auditor

Enclosure

cc: Michele Byrd, Director, Housing & Community Development Margaret O'Brien, Interim Director, Department of Revenue Kirsten LaCasse, Interim Controller

HILES & LEGISLATION CMTTE

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 3RD FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Administrator Sabrina B. Landreth City Administrator (510) 238-3301

FAX: (510) 238-2223

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(Revised 7/7/16)
July 12, 2016

CITY COUNCIL COMMITTEE ON FINANCE AND MANAGEMENT Oakland City Council Oakland, California

Members of the Committee:

Subject:

Scheduling of Committee Meetings

In an effort to keep Committees informed of outstanding items to be reviewed, we will provide you with a list at each meeting. We would like your direction in scheduling these items, and any others you may know of, for Council review.

City Council Finance & Management Committee: 2nd and 4th Tuesday, 9:00-11:00 pm (Committee Chair Kalb and Members, Gibson-McElhaney, Campbell-Washington, Guillen; Staff: Christine Daniel and Sarah Schlenk)

For Tracking Purposes

	<u>Fall 2016</u>		
No.	Title	Scheduled	
1	Informational Report On Citywide Paper free Policy To Be Heard By Finance And Management Committee With Proposed Changes And Will Work With The Council Offices To Promote New And Improved City Services To Their Constituents Contract Amounts, And Overall Status Update Of The Project	FY 15-17 Budget Tracking Adopted June 30, 2015	

RULES & LEGISLATION CMTTE JUL 1 4 2016

Finance & Management Compartee
July 12, 2016

-	Quarterly Reports				
No.	Title	Scheduled	Last Report	Next Report	
1	Beginning September 2015, A Quarterly Budget Implementation Tracking Report With Line-Item Matrix Will Be Provided To The Finance And Management Committee And End Only When Agreed Upon By The Committee Or When All Items Have Been Implemented	FY 15-17 Budget Tracking Adopted June 30, 2015	4/26/16	7/12/16	
2	Cash Management Report	From 5/11/04 Cmte	5/10/16	9/13/16	
3	Receive An Informational Report Regarding Police And Fire Retirement System Investment	[15-0100]	6/14/16	9/13/16	
4	Revenue & Expenditure Report	From 6/13/06 Cmt	5/24/16	9/13/16	

	Semi-Annual Reports				
No.	Title	Scheduled	Last Report	Next Report	
1	Vacancy Report – September And March	From 2/23/06 Rules Cmte	10/27/15	March 2016	
2	Status Report On Citywide Efforts To Research And Correct Negative Fund Balances	9/15/09 Cmte [09- 0535]	2/2/10	February 2016	
2	Biannual Report On Aging And Outstanding Revenue – Report Requested As Part Of The Motion By Councilmember Guillen at FMC 3/8/16 2 nd Quarter Revenue & Expenditure Report	From FMC 3/8/16	N/A	TBD	
3	An Informational Report From The City Auditor On The Status Of Required Audits – Changed from an annual report to semi-annual at the FMC meeting 5/10/16	From 11/14/06 Cmte & 7/14/09 Cmte	5/10/16	November 2016	

	Annual Reports			
No.	Title	Scheduled	Last Report	Next Report
1	Informational Report Providing A List Of Grants And Donations Accepted And Appropriated By The City Administrator On Behalf Of The City Council During The Fiscal Year	Rules 6/19/08 [07- 1482]	9/23/15	September 2016
2	Informational Report Listing All Purchases And Contracts Authorized By The City Administrator, Or The City Administrator Designee, Within The City Administrator's Contract Authority During Fiscal Year In Accordance With Oakland Municipal Code Section 2.04.020.D.2	Rules 7/9/09 [09- 0629]	4/26/16	April 2017
3	Report From The Office Of The City Attorney Regarding Advisory And Litigation Costs And Trends	From 1/24/02 Rules Cmte & [2] 11/14/06 Cmte	10/13/09	January 2016
4	Informational Report From The Public Works Agency On The City Fleet	6/08/10 Cmte [09- 1472]	N/A	N/A
5	Equal Access Ordinance	[15-0104]	9/29/15	September 2016
7	An Informational Report Regarding Risk Management	From 12/10/02 Cmte	1/12/16	January 2017
8	An Informational Report Regarding Worker's Compensation	From 11/14/06 Cmte	1/12/16	January 2017

Biennial Reports				
No.	Title	Scheduled	Last Report	Next Report
1	A Review And Possible Action On The Mayor's Salary (Odd-Numbered Years)	[14-1117]	6/23/15	June 2017

Pending No Date Specific			
No.	Title	Scheduled	
1	Receive A Status Report On The Contract With Spinnaker That Was Approved In 2013; On The Finance & Management Committee Agenda ASAP	Rules 2/25/16 [15-0698] moved at FMC 4/12/16 – Moved at Rules 6/16/16 to be scheduled to a possible Special FMC July 26 th	

Boards/Commission Reports (As Requested)			
No.	Title		
1	Budget Advisory Commission		
2	Business Tax Board Of Review		
3	Civil Service Board		

Respectfully submitted,

91. Todd

For: Sabrina B. Landreth City Administrator

RULES & LEGISLATION CMTTE

Item #2
Finance & Monagement Committee
July 12, 2016

CITY OF OAKLAND



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1 FRANK H. OGAWA PLAZA, 3rd FLOOR

OAKLAND, CALIFORNIA

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Office of the City Administrator Sabrina B. Landreth City Administrator (510) 238-3301 Fax (510) 238-2223 TTY/TDD (510) 238-2007

July 12, 2016 (Revised 07/07/16)

CITY COUNCIL COMMITTEE ON PUBLIC WORKS

Oakland City Council, Oakland, California

Chairperson Kaplan and Members of the Committee:

Subject: Scheduling of Committee Meetings

In an effort to keep Committees informed of outstanding items to be reviewed, we will provide you with a list at each meeting. We would like your direction in scheduling these items, and any others you may know of, for Council/Committee review.

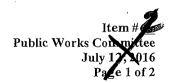
<u>Public Works Committee – 2nd and 4th Tuesday, 11:30 a.m.-1:00 p.m.: Hearing Room 1</u> Chair: Kaplan; Committee Members: Kalb, Gallo, Reid; Staff: Christine Daniel, Hannah Zima, Brooke A. Levin

September 13, 2016

1. From: Councilmember Noel Gallo Recommendation: Request for Discussion of the 2015-2016 Alameda County Grand Jury Reports related to the City of Oakland, received by the Oakland City Council members on June 20, 2016 and publicly distributed on June 21, 2016 by the Alameda County Grand Jury. The due date for response is no later than Wednesday, September 21, 2016 to the Alameda County Grand Jury.

Pending/No Specific Date

- 1. From Oakland Public Works: Proposals for enforcement that prevent non-franchisee from taking unpermitted work otherwise undermining the franchise agreements. (From PWC 05-08-12, Item 9)
- 2. Committee requested from Oakland Public Works Department an Informational Report on potential school safety improvement projects. 14-0098 (From PWC 10-28-14, Item 7)



- 3. From Oakland Public Works: MTC Funded Parking and Mobility Management Initiative follow-up on status of the project, and discuss the status of the Fruitvale and other Phase III locations. 15-0353 (From PWC 12-17-15, Item 3)
- 4. Committee requested from Oakland Public Works Department a report on Fire Alarm system and City Hall infrastructure including the Clay Street garage (From PWC 1-12-16)
- 5. Committee requested from Oakland Public Works Department to come back with update on Solar installations at City Facilities, status of coordination on EV with other agencies (OUSD, Peralta, etc), status of Solar EV grant application (From PWC 1-12-16, Item 3) *Currently in Negotiations*
- 6. Committee requested from Oakland Public Works Department Bring back Action Report with solutions on Waste Management's Zero-Waste "Push\Pull" Rates for Multi-Family Buildings. (From PWC 1-12-16, Item 4, 15-0360) Committee requested an update on this in July(from PWC 5/24/16)
- 7. From Oakland Public Works Department: On-Call Transportation Professional Services Agreements (15-0726, 3/22/16, Item 6) *Held in Committee*
- 8. A Revised ECAP to be brought back in the Fall and report to committee on adopting 2030 goals and recommendations for implementation (15-0523, from PWC 4/12/16 Item 3)
- 9. Committee requests report back on bus stop plan for Broadway/30th St. Bus Stop (15-0772, PWC 4/12/16 Item 8)
- 10. Committee requested Public Works staff to come back with an Informational Report with a complete presentation on rates and status of all the Zero Waste Agreements (From PWC 6/14/16)

For Tracking Purposes

1. From City Administrators Office: Annual Progress Report On Caltrans Maintenance Activities In The City Of Oakland (15-0107, from PWC 09-29-15)

Respectfully submitted, *Kelly J. Pschirrer*

For: Sabrina B. Landreth City Administrator



CITY OF OAKLAND



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Office of the City Administrator

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Revised July 7, 2016

CITY COUNCIL COMMITTEE ON COMMUNITY AND ECONOMIC DEVELOPMENT Oakland, California

Chairperson Reid and Members of the Committee:

Subject: Scheduling of Committee Meetings

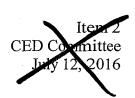
In an effort to keep Committees informed of outstanding items to be reviewed, staff will provide you with a list at each meeting. Staff would like your direction in scheduling these items, and any others you may know of, for Council/Committee review.

<u>City Council Committee on Community and Economic Development: 2nd and 4th Tuesday, 1:30 – 4:00 PM. (Committee Chair Reid and Members Campbell-Washington, Gibson-McElhaney, Kaplan; Staff: Claudia Cappio)</u>

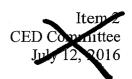
Anticipated Date Set:

Pending/No Specific Date

- 1. Adopt An Ordinance Authorizing The City To Purchase The Oak Center Cultural Center At 1121 14th Street To Redeem The Property For Back Taxes For A Price Equal To The Amount Of Property Taxes Owed Not To Exceed \$150,000 To Preserve A Vital Community Resource And Anchor Institution Of The Black Arts Movement And Business District (Moved from CED Committee 6.28.16 agenda to Pending No Date Specific with a Motion directing staff to work with the Oakland Cultural Center immediately over the Council Recess [15-0920])
- 2. An Informational Report Of Policy Recommendations, Fiscal Analysis, Staffing Plan And Recommended Implementation Timeline And Possible Actions To Begin Implementation To Create A Rental Registry The Purpose Of Which Is To Improve The Effectiveness And Efficiency Of The City In Enforcing And Monitoring The Residential Rent Adjustment Program Through Greater Transparency In The Market (Rules 4/7/16 moved to Pending No Date Specific Rules 6/16/16)
- 3. Adopt An Ordinance Amending Ordinance No. 12066 C.M.S. Establishing The Linked Banking Services Program To Add Reporting Requirements, And Codifying The Linked



- Banking Services Ordinance Into The Oakland Municipal Code ([15-0981] referred back to Rules Committee for scheduling at a future CED Committee meeting)
- 4. Lease Disposition & Development Agreement 7th & Campbell (OAW) (Withdrawn at CED Committee 5/24/16 [15-0967 and 15-0968] Staff will return to Rules Committee to reschedule the item at a later date)
- 5. Adopt An Ordinance To Amend The Code Enforcement Relocation Program, O.M.C. Chapter 15.60, To: (1) Increase Relocation Payments For Tenants Displaced For Code Compliance Repairs; And 2) Redefine Tenant Eligibility For Relocation Payments To Expand Eligibility For Such Payments (Heard at CED Committee 5/10/16-Held to allow Councilmember Kaplan to meet with Stakeholders and return for scheduling date certain [15-0240])
- 6. Recommend The Participatory Budgeting Process To Be Adopted To Allocate Community Development Block Grant Funds Allocated To Public Agencies Benefitting Low/Moderate Income Persons And/Or Low/Moderate Income Areas Be Instituted In The 2017/18 Fiscal Year. (Scheduled At Rules 2/4/16, Original Report Heard In CED 2/23/16 Where Committee Requested To Hold This Portion Of The Report [15-0616])
- 7. Follow Up Report Amendments To Transitional And Supportive Housing Regulations (Council 2/16/16 Directed staff to prepare a report, recommendation, and proposed ordinance that includes, but is not limited to, the following: 1) Clarifying amendments that state that the City's zoning regulations do not invalidate stricter regulations that may be imposed by a homeowners' association's Covenants, Conditions and Restrictions (CC&Rs); 2) Clarifying amendments that establish a procedure as a courtesy to homeowners' associations- such as the Lakeshore Homes Association in District 2- that requires additional submittal requirements for Secondary Units, including evidence that the proposed new unit complies with applicable CC&Rs; and 3) Evaluating the designation of the Harrison-Oakland-MacArthur area as a Transit Hub for purposes of relaxing offsite parking requirements for Secondary Units within 1/2 mile of the intersection of Oakland Avenue and MacArthur Boulevard / Santa Clara Avenue.)
- 8. Receive An Informational Report On Affordable Housing Development Efforts/Projects Developed Throughout The Bay Area Cities, According To The Association Of Bay Area Governments (ABAG), And Affordable Housing Development Projects Developed (Number Of Units) Over The Past 15 Years In The City By Council District (*Rules 4/23/15 [14-0822]*)
- 9. Receive An Informational Report On Progress Of The Administration's Graffiti Task Force (Legistar 14-0076; Rules Cmte 10/2/14, 10/23/14)
- 10. A Report And: 1) Resolution Amending A) Resolution No. 69687 C.M.S., Passed February 2, 1993, Authorizing The Local Employment Program, And B) Resolution No. 74762 C.M.S., Passed January 29, 1999, Authorizing A Pilot Apprenticeship Program, Both Of Which Require Contractors To Hire Oakland Residents; And 2) An Ordinance Amending Ordinance Number 12388 C.M.S., Adopted December 18, 2001, To Authorize Revision Of The Local Employment And Apprenticeship Programs By Resolution (Legistar 07-1831; Rules Cmte 11/20/08, 12/4/08, 12/18/08; CED Cmte 1/13/09)



For Tracking Purposes

- 1. (Annual) Consolidated Annual Performance Report (CAPR) (from 11/16/99 Committee Meeting) (Last report 5/10/16) (Requires a Public Hearing)
- 2. (Semi-Annual) A report on the Job Training Performance Standards of City-funded Workforce Development Programs (Last Report 11/29/11)
- (Semi-Annually AS NEEDED) Status Update/Informational Report on Foreign Trade Zone Operating Agreements that were approved in the previous six months. (Legistar 15-0351)
- 4. (Quarterly) Received And Informational Report On The Activities Of The Code Enforcement Department, Including Qualitative And Qualitative Analysis Of Complaints Receive, Notices Of Violation Send, Amount In Fines Collected, Volume And Results Of Inspections, And Other Such Metrics To Illuminate The Efforts To Address Blight And Enforce City Laws In The City Of Oakland (Rules 6/4/15, Date Updated at Rules 10/1/15 [14-1053] Last Report 12/1/15) (FY 15-17 Budget Tracking adopted June 30, 2015)
- 5. (Quarterly) Receive A Progress Report And Possible Action On Implementation Activities To Date Associated With The Oakland Retail Enhancement Strategy (Last report 9/24/13)
- 6. (Quarterly) Receive The Quarterly Informational Report On The Status Of The Army Base Public Infrastructure Project (Legistar 13-0408; Last report 9/29/15)
- 7. (Quarterly) Receive An Informational Quarterly Report On Housing Foreclosures and Outcome Data from Related City Programs (Legistar 10-0449; last report 6/23/15)
- 8. (Quarterly) Receive An Informational Quarterly Tracking Report on Economic Development activities including actions related to the preparation of the Economic Development Strategy for the City of Oakland (Legistar 11-0310; last report 6/14/16)

Respectfully Submitted,

For: Sabrina B. Landreth

City Administrator





CITY HALL

1 FRANK H. OCHWADPLAZAN 2:37 OAKLAND, CALIFORNIA

94612

Office of the City Administrator Sabrina B. Landreth City Administrator (510) 238-3301

(Revised 7/7/16)
July 12, 2016

CITY COUNCIL LIFE ENRICHMENT COMMITTEE Oakland, California

Chairperson Campbell Washington and Members of the Committee:

Subject: Scheduling of Committee Meetings

In an effort to keep the Committee informed of outstanding items to be reviewed, we will provide you with a list at each meeting. We would like your direction in scheduling these items, or others you may know of, for Council Committee review.

<u>Life Enrichment Committee - 2nd & 4th Tuesdays, 4:00 pm - 6:00 pm, Chair: Campbell Washington, Brooks, Gallo and Guillen Staff: Asst. City Administrator, Claudia Cappio)</u>

Anticipated Date For Scheduling

September 13, 2016

1. Receive An Informational Report From The Office Of Equal Access On Their Protocol And Timeline For Translating Documents For: 1) Translating Documents, Including The Translation Of Legislative Calendar Templates, Recently Distributed Agendas For The City Council And Committee; 2) For A List Of Departments That Equal Access Is Currently Working With On Translation Of Materials; 3) To Include Possible Action On How To Better Serve The Constituents Of Oakland (Rules 6/30/16 dais #4)

For Tracking Purposes

1. Monthly Reports - Oakland Fund for Children and Youth (standing item) [last: 12/13/11; 1/24/12; 4/24/12; 5/22/12]

Life Enrichment Comte.

July 12, 2016

2. Semi-annual Reports

- Dunsmuir Hellman Historic Estate [per LEC 4/26/11]
- Library Advisory Commission [last 6/10/08; 5/14/13]
- Cultural Affairs Commission [last 1/08/08]
- Planning & Oversight Committee, Oakland Fund for Children and Youth Eval Report [last at Comte 1/26/15; (FY 2014-15 [15-0513])
- -OFCY Jan, 2015 3-4 Year Plan

3. Annual Reports

- Community Action Partnership Administering Board [12/14/10; 12/11/12; 1/28/14; 1/27/15]
- Mayor's Commission on Aging [last 4/13/10; 5/28/13]
- Head Start Policy Council [last 1/08/08; 11/16/10]
- Mayor's Commission on Persons with Disabilities [last 3/23/10; 3/22/11; 5/28/14]
- Paramount Theater of the Arts Board [last 6/10/03: 5/28/13]
- Parks and Recreation Advisory Commission [last 2/27/07; 7/22/14]
- Youth Advisory Commission *[last 11/14/06; 12/14/10 moved to 1/25/11; 6/11/13]*

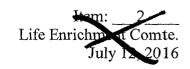
Pending No Specific date

- 1. Informational Report in September 2016 re: New methods for processing Cultural Arts and Other Small Grant Programs, such as reducing demands unnecessary for such grants and re-creating the grant management process that are online and paperless in order to maximize efficiency [6/30/15, Council President's 2015-17 Policy Directives]
- 2. As a result of the Report and Resolution Authorizing The City Administrator To Enter Into Seventy-Seven (77) Cultural Services Grants To Sixty-Eight (68) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland, During Fiscal Year 2015-16 In A Total Amount Not To Exceed \$969,500 (15-0 1 08) at the 9/29/15 LEC: The Committee directed staff to return in January 2016 regarding how to structure the application process and/or funding amounts to ensure equal distribution throughout all Council Districts in the City.
- 3. Report and Recommendation and /or Resolution regarding Criteria for Allocation of Raider Ticket Surcharge Fund (LEC 1/26/16 [15-0420])
- 4. Presentation by Neighbors for Racial Profiling in Neighborhoods and On List Servs (1-26-16 Item 4 [15-0302])

Respectfully submitted,

Saundra Eve

For: Sabrina B. Landreth City Administrator



2016 JUL -7 PM 5: 25



CITY OF OAKLAND

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1 FRANK H. OGAWA PLAZA

OAKLAND, CALIFORNIA

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Office of the City Administrator Sabrina B. Landreth City Administrator (510) 238-3301

PUBLIC SAFETY COMMITTEE

Revised July 7, 2016

Oakland, California

Subject: SCHEDULE OF REPORTS FOR UPCOMING PUBLIC SAFETY

COMMITTEE MEETINGS

<u>Public Safety Committee - 2nd and 4th Tuesday, 6:00 - 7:30 p.m. Brooks (Chairperson), Gallo, Guillen and Kalb; Staff: Joe DeVries and Bruce Stoffmacher; Amadis Sotelo, City Attorney</u>

September 13, 2016

- 1. Quarterly Report from OPD on Crime Trends and Crime Reduction Activities (13-0672)
- 2. <u>Monthly Informational Report From the Police Department on Recruiting and Police Staffing Levels over the Last 30 Days</u> [From 7/14/09 Cmte. (07-1080)]

<u>September 27, 2016</u>

Ordinances .Amending Chapters 5.80 and 5.81 – Cannabis Adopt The Following Pieces
Of Legislation: 1) Adopt An Ordinance Amending Oakland Municipal Code Chapter
5.80, Medical Cannabis Dispensary Permits, To Refine The Equity Permit Program
[From 7/7/16 Cmte. (15-1285)]



For Tracking Purposes

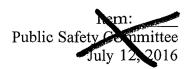
- 1. [From 4/12/16 PS Cmte (15-0596)] Report On OPD's Strategic Plan Receive Art Informational Report And Presentation On The Oakland Police Department's Strategic Plan 2016 Return in September, 2016 with an implementation list and plan.
- 2. [From Cmte. (15-0466)] Report to Come Back to Summarize Program Implementation in January 2017. <u>Alameda County School Safety Agreement</u> From: Oakland Police Department Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Accept And Appropriate The Alameda County Public Health Department (ACPHD) Active Transportation Program Grant Funds In An Amount Not To Exceed Eighty Four Thousand Dollars (\$84,000); 2) Enter Into A Contract With ACPHD For The Period Of July 1, 2015 To September 30, 2017 To Develop Traffic Safety Plans, Implement School Safety Patrol Programs, And Provide Additional Traffic Enforcement Around Schools, In Support Of The "Be Oakland Be Active" (BOBA) Program; And 3) Authorize A Contribution In An Estimated Amount Of Twelve Thousand Nine Hundred And Two Dollars (\$12,902) From The General Purpose Fund To Subsidize The Central Services Overhead (CSO) Charges Affiliated With This Program.
- 3. Cell-Site Simulator Technology Approve A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The Alameda County District Attorney's Office (ACDA) For The Purpose Of Allowing Members Of The Oakland Police Department (OPD) To Use Cellular Site Simulator (CSS) Technology, For Five Years From The Effective Date Of The MOU At No Cost To The Oakland Police Department; [From 6.9.16 PS Cmte (15-1195)]

Monthly & Quarterly Recurring Items

- 1. <u>Monthly Informational Report From the Police Department on Recruiting and Police Staffing Levels over the Last 30 Days</u> [From 7/14/09 Cmte. (07-1080)]
- 2. Quarterly Report from OPD on Crime Trends and Crime Reduction Activities (13-0672)
- 3. <u>Informational Report on all Information Technology/Help Desk requests of the Oakland Police Department to the Department of Information Technology;</u> [From 1/29/15 Comte. date changed at the 2/5/15 Comte., date changed at 3/5/15 cmte., became bi-monthly at 5/12/15 Cmte., became quarterly at 3/22/16 Cmte.]
- 4. Quarterly Report Regarding Police Training, Policy & Accountability From The Office Of The City Attorney And Police Department, Regarding Police Training, Policy And Accountability [From 3.10.16 Cmte. (15-0777)]

Annual and Semi-Annual Recurring Items

- 1. [Semiannual (April/October) 1997] Report from Citizen's Police Review Board (14-0086)
- 2. [Annual-January] City Administrator report on Bingo Activities in Oakland
- 3. [Semiannual (April/October) since April 1995] Community Policing Advisory Board
- 4. [Semiannual (Sep/Mar) since 1995] Status report from the Fire Chief on the Emergency Management Board



- 5. Receive An Annual Informational Report From The Oakland Police Department's Regarding The State Of The Department's Investigative Capacity, Included Levels And Resources, Percentage Of Crimes Investigated, Crime Lab Issues, And Status Of Implementing 2013 Recommendations From Strategic Policy Partnership. [Annual-April] [From 3/5/15 Comte.] (14-0603)
- 6. <u>Informational Report From the Office of Chief of Police Detailing Results of Special Traffic Enforcement Operations Throughout the City of Oakland Including DUI Checkpoints.</u> [From 9/13/11 Comte. Annual]

Respectfully submitted by: Bruce Stoffmacher For: Sabrina B. Landreth City Administrator

<u>.</u> ,

OFFICE OF THE CIT I CLERK

2016 JUL -7 PM 2: 37.

CITY OF OAKLAND

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OAKLAND, CALIFORNIA

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Office of the City Administrator Sabrina B. Landreth City Administrator (510) 238-3301

Revised: July 7, 2016

Chairperson and Members of the Committee:

Subject:

Scheduling of Outstanding Committee Items

In an effort to keep Committees informed of outstanding items to be reviewed, we will provide you with a list each meeting. We would like your direction in scheduling these items, and any others you may know of, for Council Committee review.

Rules & Legislation Committee: Every Thursday, 10:45 a.m. (Chair: Gibson McElhaney, Council Members: Guillen, Kalb, and Reid; City Attorney: Barbara Parker; Staff: Christine Daniel, Assistant City Administrator)

Anticipated Date of Scheduling

July 21, 2016

1. Resolution of the Oakland City Council Requesting the Federal Aviation Administration Address Increased Aircraft Noise in Oakland, California (Rules 7/7/16, dais #4)

<u>September 13, 2016</u>

1. Request for Closed Session/Open Session Discussion of the 2015-2016 Alameda County
Grand Jury Final Reports related to the City of Oakland Received by the Oakland City
Council members on June 10, 2016 (Rules 7/7/16)
RULES & LEGISLATION CM7

JUL 1 4 2016



For Tracking Purposes

1. Receive an Informational Report and Briefing from the City Attorney's Office on All New California State Laws Which Become Effective In 2016. Said Report Shall Be Annually Presented At The First Rules Committee In December Of Each Year. (Rules 1/7/2016 [4-7] 15-0430)

Respectively Submitted,

S. Eve

For: Sabrina B. Landreth City Administrator

RULES & LEGISLATION CMTTE
JUL 1 4 2016





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

Special Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

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

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

Tuesday, July 19, 2016

5:00 PM

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.

- 1 PLEDGE OF ALLEGIANCE
- 2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Desley Brooks, District 6; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; Abel J. Guillén, District 2; Dan Kalb, District 1; Rebecca Kaplan, At Large; President Pro Tempore Larry Reid, District 7; Council President Lynette Gibson McElhaney, District 3

3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

4 ACTIONS ON SPECIAL ORDERS OF THE DAY

(Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OFJUNE 21, 2016, JUNE 27, 2016, AND JULY 5, 2016

15-1167

6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS (Requests To: Reschedule Items From Consent To Non-Consent

To The Next Council Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

7 CONSENT CALENDAR (CC) ITEMS:

7.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired Immunodeficiency Syndrome ("AIDS") Epidemic 15-1168

7.2 Subject: Declaration Of Medical Cannabis Health Emergency

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland

<u>15-1169</u>

Attachments: View Report

7.3 Subject: Army Base Real Estate Actions

From: Office of City Administrator

Recomendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute An Amendment To A Lease Disposition And Development Agreement (LDDA) With OMSS, LLC, To Delete The City's Obligation To Clear And Rough Grade A Portion Of The OMSS Development Site At The Former Oakland Army Base; And 15-1180

Attachments: View Report

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 7 AYES, 1 EXCUSED -

KAPLAN

Legislative History

6/2/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/9/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

2) Ordinance Authorizing The City Administrator To Negotiate And Execute An Easement Agreement With East Bay Municipal Utility District For A 40 Foot-Wide Roadway On The Former Oakland Army Base 15-1181

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED X AYES, 1 ABSTAIN/NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/2/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/9/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

7.4 Subject: Pregnancy Information Disclosure and Protection Ordinance.

From: Vice Mayor Annie Campbell Washington And Councilmembers Rebecca Kaplan, Abel Guillen, And City Attorney Barbara J. Parker Recommendation: Adopt An Ordinance Amending Section 5.06 Of The Oakland Municipal Code To Prohibit Limited Services Pregnancy Centers From Making False Or Misleading Statements To The Public About Pregnancy-Related Services The Centers Offer Or Perform.

<u>15-1223</u>

Attachments: View Report

View Supplemental Report

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 7 AYES, 1 EXCUSED -

KAPLAN

Legislative History

6/16/16

*Rules & Legislation

Scheduled to the *Life Enrichment

Committee

Committee

6/28/16

*Life Enrichment Committee Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the

Oakland Redevelopment Successor

Agency and the City Council

There were 12 speakers on this item

7.5 Subject: Amending Oakland's Preference Policy For Affordable Housing

From: Council President Lynette Gibson McElhaney

Recommendation: Adopt Ordinance Amending The Oakland Municipal Code To Adopt
(1) A Preference Policy For Neighborhood Residents, Oakland Residents And

(1) A Preference Policy For Neighborhood Residents, Oakland Residents And Workers, And Displaced Households In Applying For Multifamily Affordable Housing Funded By The City, And (2) An Oakland Residency, Oakland Worker, Or Displaced Household Requirement For Participants In The City's First-Time Homebuyer Mortgage Assistance Program

15-0886

Attachments:

View Report

View Report

View Report

View Supplemental Report

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED 6 AYES, 1 ABSENT - REID, 1 EXCUSED - KAPLAN

Legislative History

4/7/16

*Rules & Legislation

Scheduled to the *Community & Economic

Committee

Development Committee

5/12/16

*Rules & Legislation

Committee

Scheduled to the *Special Community & Economic Development Committee

5/31/16

*Special Community & Economic Development Committee

Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the

Oakland City Council

There were three speakers on this item.

The Committee requested an amendment as follows to Policy Proposal - Local Preference (p. 3 of the Report):

Proposed:

This legislation reserves 30% of new affordable housing units for a local preference. This preference applies to residents who live in the same Council district to help keep low-income residents housed in their own neighborhoods. Legal and administrative constraints require this "local preference" to only apply to 30% of affordable housing units, and only for initial sales or rentals. All other preferences apply to all available affordable housing units including initial sales or rentals of units and units that are resold or turn over tenancies.

Amended:

This legislation reserves 30% of new affordable housing units for a local preference. This preference applies to residents who live in the same Council district OR WITHIN A 1 MILE RADIUS OF SAID DEVELOPMENT to help keep low-income residents housed in their own neighborhoods. Legal and administrative constraints require this "local preference" to only apply to 30% of affordable housing units, and only for initial sales or rentals. All other preferences apply to all available affordable housing units including initial sales or rentals of units and units that are resold or turn over tenancies.

Additionally, Committee requested to add "displacees" to 15.63.090 Residency Requirement under the Article II Requirements for First-Time Homebuyer Program.

6/7/16

Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

* Withdrawn and Rescheduled to the Meeting of the Oakland City Council

6/21/16

Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

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

7/5/16

Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Approved As Amended On Introduction and Scheduled for Final Passage to the Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Geological Hazard Abatement

District Board

The City Council amended section 15.63.031 (c) reference to 5 years should be corrected to say 8 years

7.6 Subject: Ordinance Amending The OMC Chapter 2.04 Purchasing System

From: Office Of The City Administrator

Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.04, Purchasing System: 1) Increasing City Administrator Purchasing Authority For Supplies And Services Including Professional Services, From \$100,000,To; \$250,000; 2) ;Eliminating All Lower Purchasing Limits For Certain Purchases; Raising The Dollar Amount To Conduct "Formal" Requests For Proposals/Qualifications (RFP/Q) To \$50,000; 4) Establishing City Administrator Authority To Waive RFPQ Requirements For Professional Services Purchases Up To Fifty Thousand Dollars (\$50,000); 5) Adding A Competitive Process Specific To Purchase Of Combined Projects Ant) Services For Information Technology Systems And: 6) Copying Certain Definitions And Other Clean Up

<u>15-1212</u>

Attachments:

View Report

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED 6 AYES, 1 NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/16/16

*Rules & Legislation

Committee

Scheduled to the *Finance & Management

Committee

6/28/16

*Finance & Management

Committee

Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The committee requested a list of approved contracts with real titles, dollar amounts and information about non RFP contracts (semiannually)

The committee would also like the checklist and waiver request form posted on the city website.

The City Administrator will strengthen enterprise language in the ordinance.

7/5/16

Concurrent Meeting of the Oakland Redevelopment Successor Agency and the

City Council

Approved As Amended On Introduction and

Scheduled for Final Passage to the Concurrent Meeting of the City

Council/Geological Hazard Abatement

District Board

The council amended the ordinace to contact local businesses 1st and only move to outside agencies when local agencies are non-responsive. The Council would also like notification when the waiver is posted online

7.7 Subject: Recyclers' ENA Extension; Acceptance of ACTC Grant; and Interim Bridge

Funding to Complete Public Improvements
From: Office of The City Administrator

Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute Agreements And Related Documents, To Secure Interim Bridge Funding In An Amount Not To Exceed Fifty-Three Million, Two-Hundred Thousand Dollars (\$53,200,000) To Meet Critical Cash Flow Needs For The Completion Of Construction Of The City's Public Improvement Obligations At The Former Oakland Army Base ("Base"), Which Options Could Include, Among Other Alternatives: (1) Obtaining Loan(S) Secured By Cityowned Land At The Base Or An Assignment Of The City's Right To Receive Rents From Such City-Owned Land; (2) Providing An Option To A Developer To Acquire Development Rights To The North Gateway Area Of The Base If The City And Two West Oakland Recyclers Fail To Close Escrow On Such Property; And (3) Negotiating For An Army Base Ground Lease Tenant(S) To Prepay A Discounted Present Value Of The Tenant(S)' Long Term Ground Lease Rent To The City

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 6 AYES, 1 NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	•	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council slation to subsection 2 – replace \$46m with 12 and replace with asking ACTC for
	additional assistance.	n 2 and replace with asking ACIC for
7/5/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

7.8 Subject: 12th Street Remainder Parcel Disposition And Development Agreement With Urbancore And EBALDC

From:

Economic And Workforce Development

Recommendation: Adopt An Ordinance: (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 Urbancore Development, LLC Or Its Related Entities Or Affiliates ("Urbancore"), And East Bay Asian Local Development Corporation Or Its Related Entities Or Affiliates ("EBALDC"), For (A) Sale Of The 12th Street Remainder Parcel Located At E12th Street And 2nd Avenue ("Property") For No Less Than \$8.0 Million, (B) A Seller Carryback Loan From The City To EBALDC In The Amount Of \$3.3 Million Plus The Cost Of Loan Origination, And (C) Development Of The Property As A Residential Mixed-Use Project, 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 CEQA Exemptions (15183 & 15183.3) And Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR) 15-1218

Attachments:

View Report

Attachment A - Lakehouse -

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

*Rules & Legislation

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED TO THE TERM SHEET 6 AYES, 1 NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/16/16

	Committee	Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
7/5/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council/Geological Hazard Abatement District Board
	the council amended the ordinan	ce to include section 9 term sheet as part of

The council amended the ordinance to include section 9 term sheet as part of the building permit application process. The developer will closely work with OUSD to create a construction mitigation plan and will also do a community meeting.

Scheduled to the *Community & Economic

7.9 Subject:

City Of Oakland/PERS Boards Contract Amendment - Sworn Classic Police

From:

Finance Department

Recommendation: Adopt 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 2% Employees Cost Sharing Of Additional Benefits For Tier I And Tier II Classic Police Members (California Government Code Section 20516) 15-1205

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JUNE 21, 2016 AND PASSED 6 AYES, 2 ABSENT - BROOKS, CAMPBELL WASHINGTON

Legislative History

6/21/16

Concurrent Meeting of the

Approved On Introduction and Scheduled for Final Passage to the Meeting of the

Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

Oakland City Council

6/30/16

*Rules & Legislation

Committee

Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor

Agency and the City Council

AS A CONSENT CALENDAR ITEM

7.10 Subject:

Measures M, N, Q, & Z FY 2016-17 Cost-of-Living Tax Adjustment

From:

Office Of The City Administrator

Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2016-17 Increase In Accordance With The Consumer Price Index, Fixing The Rate Of Property Tax, And Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year 2016-2017 For Voter Approved Measure M (The Emergency Medical Services Retention Act), Measure N (The 1997 Paramedic Services Act), Measure Q (The Library Services And Retention Act), And Measure Z (The Public Safety And Services Act Of 2014)

15-1068

Attachments:

View Report

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JUNE 7, 2016 AND PASSED 7 AYES, 1 NO - GUILLEN

Legislative History

5/26/16

*Rules & Legislation

Committee

Scheduled to the Meeting of the Oakland

City Council

6/7/16

Concurrent Meeting of the Oakland Redevelopment Successor Agency and the

Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council

City Council

Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened at 9:16 p.m.

I individual spoke on this item.

Councilmember Gallo made a motion, seconded by Councilmember President Pro Tempore Reid to close the Public Hearing, and hearing no objections, the motion passed by \boldsymbol{X}

Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney

7.11 Subject:

Community Jobs Oversight Commission - Appointments

From:

Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of Andreas Cluver, Josie Camacho, Kate O'hara, Shirley Burnell, Margaret Gordon, Brian Beveridge, Megan Morodomi, Jens Hilmer, And The Appointment Of Len Turner, Art Shanks And David Lau To The Community Jobs Oversight Commission 15-1287

Attachments:

View Report

7.12 Subject:

Wildfire Prevention And Assessment District Advisory Board

From:

Office of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointments Of Lin Barron, Steven E. Hanson, Martin A. Matarresse And Glen Dahlbacka And The Reappointment Of Douglas Wong As Members Of The Wildfire Prevention And Assessment District Advisory Board

15-1288

Attachments:

View Report

7.13 Subject:

Library Advisory Commission - Appointments

From:

Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Sophia V. Rodriguez And Reappointment Of Lesley Mandros Bell As Members Of The Library Advisory Commission

15-1289

Attachments:

View Report

7.14 Subject: Commission On Persons With Disabilities - Appointments

From:

Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Olivia De Jimenez, Brandon Young, Preet Anand And Sarah Garner To The Commission On

Persons With Disabilities

15-1290

Attachments:

View Report

7.15 Subject:

Community Policing Advisory Board - Appointments

From:

Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Akiba

D. Bradford As Members Of The Community Policing Advisory Board

15-1294

Attachments:

View Report

7.16 Subject: Health And Safety Impacts Of Coal In Oakland

From:

Councilmember Rebecca Kaplan

Recommendation: Adopt An Ordinance (1) Amending The Oakland Municipal Code To Prohibit The Storage And Handling Of Coal And Coke At Bulk Material Facilities Or Terminals Throughout The City Of Oakland And (2) Adopting • California

Environmental Quality Act Exemption Findings

15-0977

Attachments:

View Report

ATTACHMENT C- ESA Report

Kalb Memo View Report

Kalb COAL REPORT

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JUNE 27, 2016 AND PASSED 7 AYES, 1 EXCUSED -**BROOKS**

Legislative History

5/3/16

Concurrent Meeting of the

Oakland Redevelopment

Successor Agency and the

City Council

5/5/16

*Rules & Legislation

Committee

Referred to the * Special Meeting of the

Oakland City Council

Scheduled to the * Special Meeting of the

Oakland City Council

7.17 Subject: Settlement Agreement of David Addams 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 David Addams V. City Of Oakland, Alameda County Superior Court Case No. G15761677, City Attorney's File No. 30202, In The Amount Of One Hundred And Thirty-Five Thousand Dollars And Zero Cents (\$135,000.00) (Public Works - Dangerous Condition 15-1283

Attachments:

View Report

Legislative History

7/7/16

*Rules & Legislation

Committee

Scheduled to the Concurrent Meeting of the City Council/Geological Hazard Abatement

District Board

7.18 Subject: Claim of Kenneth Meislin

From: Office Of The City Attorney

Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Kenneth Meislin/ First Class Lodi LLC, Claim No. C30693, In The Amount Of Twenty Five Thousand Dollars And No Cents (\$25,000.00) (Public Works - Dangerous Condition)

<u>15-1284</u>

Attachments:

View Report

Legislative History

7/7/16

*Rules & Legislation

Committee

Scheduled to the Concurrent Meeting of the City Council/Geological Hazard Abatement

District Board

7.19 Subject: East Bay Economic Development Alliance Appointments

From:

Council President Gibson McElhaney

Recommendation: Adopt A Resolution Reappointing Council President Lynette Gibson McElhaney To The Executive Committee Of The East Bay Economic Development Alliance For A Term Beginning July 1, 2016 And Ending June 30, 2017, And Appointing President Pro Tempore Larry Reid As Alternate Member Of The Executive Committee Of The East Bay Economic Development Alliance For A Term Beginning July 1, 2016 And Ending June 30, 2017 15-1300

Attachments:

View Report

Hazard Abatement District Board

7.20 Subject: Reappointment To The Parks And Recreation Advisory Commission

From: Office of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of

Chryl N.E. Corbin To The Parks And Recreation Advisory Commission

<u>15-1302</u>

Attachments: View Report

7.21 Subject: Mayor's Reappointments to the Board of Port Commissioners

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Andreas Ferreira Cluver And Arabella Martinez To The Board Of Port Commissioners

15-1238

Attachments: View Report

Legislative History

6/23/16 *Rules & Le

*Rules & Legislation Scheduled to the *Rules & Legislation

Committee Committee

7/7/16 *Rules & Legislation Approve the Recommendation of Staff, and

Committee Forward to the Concurrent Meeting of the City Council/Geological Hazard Abatement

District Board

8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

- 9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:
- 9.1 Subject: Fruitvale Transit Village 2A Removal of Development Partner

From: Economic And Workforce Development

Recommendation: Adopt An Emergency Ordinance Pursuant To Charter Section 213
Amending Ordinance No. 13346 C.M.S. And Approving (1) The Removal Of L & M
Development Partners, Inc. From The Development Team Of The Fruitvale Transit
Village Phase IIA, A Mixed Income Housing Project ("Project"), And As A Party To All
Related Documents And (2) Retaining The Spanish Speaking Unity Council Of
Alameda County, Inc. And The East Bay Asian Local Development Corporation, Or
Any Related Entity, As The Development Team Of The Project And As Parties To All
Related Documents And Authorizing The City Administrator Or Designee To Negotiate,
Amend And Execute All Necessary Documents, And Adopting CEQA Exemptions
15-1293

Attachments:

View Report

Legislative History

7/7/16

*Rules & Legislation

Committee

Scheduled to the Concurrent Meeting of the City Council/Geological Hazard Abatement

District Board

Reason for Urgency: EBALSE and the Spanish Speaking Unity Council need to submit the application by the end of this month for tax credits.

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

AT THIS TIME, THE MEETING OF THE OAKLAND/LEONA QUARRY GHAD SHALL BE CONVENED

Subject: Resolution To Approve Revised Oakland Area GHAD Plan Of Control For

The Siena Hill Development (No. 10)

From:

Geologic Hazard Abatement District (GHAD)

Recommendation: Request to Schedule A Resolution To Approve The Revised Oakland Area GHAD Plan Of Control For The Siena Hill Development (No. 10) Declare The GHAD's Intent To Order A Revised Assessment For The Siena Hill Development And Set A Date For A Public Hearing To Consider The Proposed Assessment And Any Protests Thereto (No. 11).

15-1295

Legislative History

7/7/16

*Rules & Legislation

Committee

Scheduled to the Concurrent Meeting of the City Council/Geological Hazard Abatement

District Board

AT THIS TIME, THE MEETING OF THE OAKLAND AREA/LEONA QUARRY GHAD WILL BE ADJOURNED

11 Subject: Police Commis

Police Commission Charter Amendment Measure

From: Councilmembers Noel Gallo And Dan Kalb

Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2016 Statewide General Election 1) A Proposed Amendment To The City Charter To Create The Oakland Police Commission, The Community Police Review Agency, And A Process For Police Discipline And 2) A Proposed Enabling Ordinance Relating To The Oakland Police Commission And The Community Police Review Agency, And Directing The City Clerk To Take Any And All Actions Necessary Under Law To Prepare For And Conduct The Election 15-1035

Attachments:

View Report

View Supplemental Report

6.14.16 PSC Kalb, Gallo Handout

Police Commission Requested Amendments to Item 3 ACW AG LR

Legislative History

5/12/16

*Rules & Legislation Committee

Scheduled to the *Public Safety Committee

6/2/16

*Rules & Legislation Committee Scheduled to the *Public Safety Committee

6/14/16

*Special Public Safety Committee Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Councilmembers Kalb and Gallo distributed a revised resolution with the following 18 changes:

- 1. Eliminates a "Whereas" clause referencing Los Angeles and San Francisco.
- 2. Adds the following to the end of Charter Section 604(b)(9): "This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting."
- 3. Adds the following to the end of Charter Section 604(e)(6): "in consultation with the City Administrator."
- 4. Adds the following to the end of Charter Section 604(e)(7): "The Chief of Police may assign a sworn officer to act as a liaison from the Department to the Inspector General."
- 5. Adds the following to the beginning of Charter Section 604(f)(1): "Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates,"
- 6. Adds the following parenthetical notation to Charter Section 604(f)(2): "(IAD)."
- 7. Replaces Charter Section 604(g) ("Adjudication") with a revised form of the Alternative Adjudication Section previously submitted as Attachment A to the Resolution. The major ways in which current version of 604(g) differs from the previous submission is: (a) requires disclosure of the disposition of arbitration cases on discipline; (b) In lieu of the Police Commission determining the arbitrators used, the Commission would select a list of 20 arbitrators, from which the City Attorney's office and Police Officers' Association would each strike 6 names, with the resultant 8 names being the publicly disclosed list.
- 8. Adds to Ordinance Section 2.45.020(C): "and the Chief of Police"
- 9. Adds to Ordinance Section 2.45.020(E): "one hundred and eighty (180)" (instead of 150 days).
- 10. Adds to Ordinance Section 2.45.020(E)(5): "the Mayor,"
- 11. Adds Ordinance Section 2.45.020(E)(6): "Conducting an annual review of trends and patterns regarding Department training and education, and the Department's use of the Internal Personnel Assessment System (IPAS) and other early warning system(s). The Police Auditor shall also monitor the number and percentage of sworn officers who have received adequate training on profiling and implicit bias, procedural justice, de-escalation training, and work-related stress management."
- 12. Adds Ordinance Section 2.45.020(F): "Direct the Inspector General to develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process."
- 13. Adds Ordinance Section 2.45.020(M): "Monitor and evaluate the Department's recruitment and hiring practices for sworn personnel."
 14. Adds to Ordinance Section 2.45.040 that the submission to the City Council must be within three days of the Commission's vote and that the Council has 90 days, instead of 60, to approve or reject the Commission's rules and procedures.
- 15. Adds to Ordinance Section 2.45.060 "the Agency" and "Chapter 2.46." 16. Adds Ordinance Section 2.45.075, which provides clarifying details about the arbitration selection process described in the Charter Amendment. 17. Adds to the end of Ordinance Section 2.45.080: "consistent with applicable law and any adopted Memorandum of Understanding between the City and the

employee association(s) representing sworn Oakland police officers. "
18. Adds to the end of Ordinance Section 2.46.030: "in consultation with the City Administrator"

In addition, the committee approved inclusion of the following components from the Campbell, Reid and Guillen document handed out on the floor:

Item 2 - "Delete all open deliberation of Police Chief Selection process."

Instead, request amendment wherein to select a Chief of Police, Commission forms a Search Committee of three to four Commissioners. All sensitive and/or identifying documentation about candidates for the Chief of position shall remain confidential to Search committee members only. Alternatively, all sensitive and/or identifying documentation about candidates for the Chief position shall remain confidential to Commissioners only." — accepted such that the language will be refined with the assistance of the City Attorney

Item 3 - "For The Purposes of this charter amendment, "serious Incident" shall be defined as officer-involved shooting, in-custody death, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty

be defined as officer-involved shooting, in-custody death, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty or off-duty. Employee shall include sworn officers, as well as staff, technicians and all other civilian staff" to the ordinance and additionally adding a definition section to the ordinance;

Item 5 "The commission shall communicate its decision to the complainant, if there is one, to the greatest extent permitted by law.";

Item 6 as modified on the floor to read: "The Office of the IG shall complete all audits or reviews requested by any of the following: an affirmative vote of the majority of the commissions, a request by the Mayor, a request by the City Administrator, or by affirmative vote of the majority of the City council. The IG shall report findings to the requestor."; and

Item 9 as limited to add two trainings to section 2.45.070 – 1) Oakland Police department's Procedural Justice Training Implicit bias Training and Crisis intervention Training, and 2) Peace Officer Standards and Training Domains 15 and 16 trainings on arrest search and seizure procedures.

Item 10 – to be added to the ordinance "Add Amended Section 5: The following reporting and transparency mechanisms shall apply in the City of Oakland with the passage of this Charter Amendment.

A. Regular Reporting to Community

At least quarterly and as permitted by law, the IG shall report to the Commission and to City Council, and include the following information in each report, as permitted by law:

- 1. Complaint and disciplinary data, summarizing the work of the Agency, the Commission and the Police Department's Internal Affairs Division, Including but, including but not limited to:
- a. The number of total complaints;
- b. The Date of each complaint or Serious Incident, whether or not there is a related complaint;
- c. Whether or not the Police Department recommended discipline:
- d. Whether or not supervisory accountability was assessed:
- e. Whether or not that discipline was sustained:
- f. The final disciplinary action taken, if different from what the Oakland Police Department had recommended; and
- g. The most recent discipline matrix for viewers' reference. For those complaints or Serious Incidents which are closed and for which discipline has been implemented, the Commission shall report on whether the discipline was less than what is recommended using the Oakland Police Department's

discipline matrix as well as previous sanctions, closely evaluating and comparing levels of discipline across cases.

- 2. The IG shall report to the Commission and to the City Council on all trends and/or patterns in OPD training, education and the Oakland Police Department's use of the IPAS early waring systems. Specifically, the IG shall inform the Commission and the City Council of the percentage of officers that have received training for:
- a. Procedural Justice;
- b. Implicit Bias;
- c. Crisis Intervention and De-escalation Training; and
- d. Job-related Stress Management

Along with this data, the IG shall provide insight into any trends and/or patterns it sees about connections or the absence of connections between (1) training and/or education (2) involvement in allegations of Serious Incidents; and (3) sustained findings of Serious Incidents.

- B. Establish "Right to Know" Policy
- 1. When a Serious Incident is alleged or appears to have occurred, the Chief of Police shall notify the Commission Chair, the Agency Director and the IG immediately. The Chief shall then provide two status reports to the Commission Chair, the Police Commission's investigatory Agency Director and the IG in the coming days and weeks. The first will take place within 10 days of the incident date. The second status report will take place within 45 days of the incident.
- 2. When sharing information with the public, the Commission shall work closely with the Mayor and the City Administrator to evaluate the City of Oakland's capacity to waive certain exemptions to public records requests, to the extent allowable by law.
- 3. After the Commission has been briefed by the the Chief of Police, and worked closely with the Mayor and the City Administrator to evaluate privilege waivers and records exemptions, the Commission shall share as much information with the public as it legally is able to at the earliest possible date. The notification will be posted on the City of Oakland website, and made accessible on the Commission webpage, accessible by Equal Access standards." accepted such that the language will be refined with the assistance of the City Attorney. The committee further noted that the remaining elements of the Campbell, Guillen and Reid proposal will be a continuing dialogue with the authors and directed the City Administrator to proceed with meet and confer to the extent necessary.

6/30/16

*Rules & Legislation Committee

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

AS A NON CONSENT ITEM

12 Subject: Ordinance Amending Chapter 8.22, Article I (Rent Adjustment)

From: Councilmembers Kalb, Gibson McElhaney and Guillen

Recommendation: Adopt An Ordinance Amending Chapter 8.22, Article I (Rent Ajustment) Of The Oakland Municipal Code To: (1) Modify Exemptions For

Owner-Occupied Duplexes And Triplexes And Sustantially Rehabilitated Properties; (2) Require That Owners File Petitions For Rent Increases In Excess Of The Annual Consumer Price Index Increase (3) Change The Amortization Period For Capital Improvements To That Of The Useful Life Of The Improvement; (4) Clarify That Certain Types Of Work Are Not Capital Improvements; (5) Amend Timelines For Filing Petitions; (6) Require Owners To Pay Interest On Security Deposits; And (7) Amending Chapter 8.22, Article Iv To Permit Tenants To Choose To Pay Their Portion Of The Program Fee Either In A Lump Sum Or In Six Monthly Installments 15-1226

Attachments:

View Report

6/30/16

View Supplemental Report

Legislative History

6/16/16 *Rules & Legislation Scheduled to the *Community & Economic

Committee **Development Committee**

6/28/16 * Special Concurrent Approve as Amended the Recommendation

> Meeting of the Oakland of Staff, and Forward to the Concurrent Redevelopment Successor Meeting of the Oakland Redevelopment Agency and Community & Successor Agency and the City Council

Economic Development

Committee The Committee amended the resolution to: 1) Change the number of years from

3 to 2 years; 2) have owners to petition above 5% instead of the CIP; 3) strike #4 changing the amortization period fro capital imporovements to that of useful life of improvement; 4) on item 6 strike requirement that landlords pay interest on security deposits; 5) on Item 7 strike the monthly payments; and 6) on item 8

obtain clarification on equal access requirements pertaining to City materials.

*Rules & Legislation Rescheduled to the Concurrent Meeting of Committee the Oakland Redevelopment Successor

Agency and the City Council

13 Subject:

Renter Protection Act of 2016 (Rent and Eviction Ordinance

Amendments Ballot Measure)

From:

Councilmember Rebecca Kaplan

Recommendation: Adopt A Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2016 Statewide General Election Proposed Amendments To The Rent Adjustment Ordinance (O.M.C. Chapter 8, Article I (8.22.100, Et Seq.) (1) To Require Owners Petition For Rent Increases In Excess Of An Annual Allowance; And Proposed Amendments To The Just Cause For Eviction Ordinance (Measure EE (2002), (O.M.C. Chapter 8, Article Ii (8.22.300, Et Seq.) To (2) Modify The New Construction Exemption To Apply To Units Constructed After January 1, 2002, (3) To Require Relocation Payments For Owner-Occupancy Evictions, (4) To Permit The City Council Limited Authority To Modify The Ordinances, And (5) Amending O.M.C. Chapter 8.22 (Rent And Evictions) To Increase Transparency, Including Regular Reports From The Rent Program To The City Council And (6) Removing The Requirement For Council Approval Of Regulations, And Directing The City Clerk To Fix The Date For

Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 8, 2016 Statewide General Election 15-1197

Attachments:

View Report

View Supplemental Report
View Supplemental Report

View Supplemental Report

Legislative History

6/9/16

*Rules & Legislation

Committee

Scheduled to the Meeting of the Oakland

Continued to the Meeting of the Oakland

City Council

6/21/16

Concurrent Meeting of the

Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

City Council

6/30/16

*Rules & Legislation

Committee

Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor

Agency and the City Council

AS A NON CONSENT ITEM

14 Subject: Adoption Of Legislation To Place An Infrastructure Bond On The November 2016 Ballot

From: Office of City Administrator

Recommendation: (1) Adopt A Resolution On The City Council's Own Motion Submitting To The November 8, 2016 Statewide General Election, A Proposed Ordinance To Authorize Issuance Of \$600 Million General Obligation Bonds To Fund Various City Infrastructure And Affordable Housing Projects; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 8, 2016 Statewide General Election; Action Taken In Reliance On Previously Certified Environmental Impact Reports And CEQA Exemptions Without Limitation, CEQA Guidelines 15162,15183,15183.3 And 15378 [TITLE CHANGE] 15-1174

Attachments:

View Report

View Report - Attachment A

View Report - Attachment B

View Supplemental Report Part 1

Attachment A

Attachment B

Attachment C

View Supplemental Report Part 2

Legislative History

6/2/16

*Rules & Legislation

Scheduled to the *Finance & Management

Committee

Committee

6/14/16

*Finance & Management

Committee

Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the

Oakland City Council

The committee approved reccomendations as amendedthe committee wanted legal language to include charter provisions regarding non-contracting out this item will be on the non-consent portion of the agenda

There were 12 speakers on this item

6/14/16

*Public Works Committee

Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The PWC advanced the following questions for response by staff:

- Please adjust either the measure question by removing the reference to pot holes or by adding pot holes to the list of allowable uses.
- How much of affordable housing funds could be used for moderate income housing?
- What is the impact to Council's ability to act by inclusion of the language that locks in the housing uses, and the reference the 2016 Alameda County Bond measure?
- The committee would like to see the Affordable Housing Bond Law prior to Council's approval of the bond measure.
- Can there be low income exemption for the cost?
- Reconsider the language providing for the Council's ability to reallocate funding across the categories after 10 years?
- Does the \$100m Anti-displacement/ Affordable Housing funding include the Accessibility rehabs?
- Consider modifying the 10 year reallocation provision with language that provides reallocation for up to 10%
- Under existing language, could funding be used to enhance existing and/or facilitate new wetlands? If not, could language be added to do so?
- Please respond to the questions submitted by the Sierra Club.
- Request for an Infrastructure strategy reflective of all bond measures proposed by all agencies (BART, EBMUD, OUSD, ALCO, etc.)
- What is the structural and fiscal impact to from all of the proposed Bond measures?
- Consideration of including a 50% Oakland Resident employment requirement for all work proposed under the bond.

There were 4 speakers on this item.

6/30/16

*Rules & Legislation Committee

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

AS A NON-CONSENT ITEM

15 Subject:

RAP Fee Increase

From:

Council President Gobson McElhaney, President Pro Tem Reid and Vice

Mayor Campbell Washington

Recommendation: Adopt An Ordinance Amending Ordinance No. 13320 C.M.S. (The 2015-16 Master Fee Schedule) To Increase The Rent Program Service Fee From \$30 Per Unit To \$68 Per Unit

15-1299

Attachments:

View Report

View Supplemental Report

ACTION ON THIS ITEM WOULD RESULT IN INTRODUCTION

FINAL PASSAGE WILL BE SCHEDULED AS DETERMINED BY THE CITY COUNCIL

Hazard Abatement District Board

CONTINUATION OF OPEN FORUM

ADJOURNMENT OF COUNCIL SESSION (Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote Of The Council)

Americans With Disabilities Act

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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 *Rules & Legislation Committee

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

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

Thursday, July 21, 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

- Determinations Of Closed Session15-1170
- 2 Approval Of The Draft Minutes From The Committee Meeting Of July 7, 2016

 15-1171

- 3 Determination Of Schedule Of Outstanding Committee Items 15-1172
- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL) 15-1173
- Subject: Aircraft Noise In Oakland, California
 From: Vice Mayor Annie Campbell Washington and Pro Tempore Reid
 Recommendation: Adopt A Resolution Of The Oakland City Council Requesting The
 Federal Aviation Administration Address Increased Noise In Oakland, California
 15-1301

Attachments: View Report

Open Forum (Total Time Available: 15 Minutes)

Adjournment

Americans With Disabilities Act

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* 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.



RULES & LEGISLATION CMTTE

JUL 1 4 2016