City of Oakland

Meeting Minutes - DRAFT

*Rules & Legislation Committee

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

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

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
LaTonda Simmons, City Clerk

Thursday, September 20, 2018 **10:45 AM** **City Council Chamber, 3rd Floor**

The Oakland City Council Rules And Legislation Committee convened at 10:49, with Council President Reid presiding as Chairperson.

Roll Call / Call To Order

Present 4 - Lynette McElhaney, Abel J. Guillén, Laurence E. Reid, and Annie Campbell Washington

1 Determinations Of Closed Session

18-0838

Attachments: View Report

There will be a Closed Session on October 2, 2018 at 3 pm.

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of July 5 and 12, 2018

18-0839

Attachments: View Report

View Report

A motion was made by Lynette McElhaney, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items

18-0840

Attachments: View Report

No Changes were made to the pending list.

A motion was made by Abel J. Guillén, seconded by Annie Campbell Washington, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

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

18-0841

Attachments: View Report

View Report

There were 3 speakers on this item.

This Report and Recommendation be Accepted as Amended.

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

4.1 Subject: Cannabis Ordinance Technical Amendments
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Permitting Requirements For Medical And Adult-Use Cannabis Dispensaries, Cultivation, Manufacturing And Other Facilities (Chapters 5.80 And 5.81 Of The Oakland Municipal Code) To: 1) Delete Section 5.81.110(B), Which Prohibits Enforcement Of Violations Of Chapter 5.81 Once A Permit Application Is Pending; 2) Align Chapter 5.81 Permit Types With State Law By Adding Packaging And Infusion Permit Categories; 3) Limit The Number Of Dispensary Permits To Two Per Individual Or Entity; 4) Clarify The Distance Requirements Between Cannabis Facilities And Schools; 5) Limit The Number Of Special Event Permits For Cannabis Activities; 6) Allow Ancillary Cannabis Activities, Including But Not Limited To Packaging, Distribution, And Infusion, At The Site Of A Permitted Dispensary; And 7) Add A Public Notice Requirement For All Cannabis Uses Within 300 Feet Of A Residential Zone

[NEW TITLE]
18-0679

Attachments: View Report
View Supplemental Report 7-13-2018
View Supplemental Report 7-20-2018
View Supplemental Report 9-21-2018

The City Attorney request that this item be rescheduled for Final Passage.

This Ordinance be Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018

4.2 Subject: Resolution Authorizing Grant For Attitudinal Healing Connection
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of $2,000 From Councilmember Kaplan's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For A Mural On 32nd Street Between San Pablo Avenue And Filbert Street
18-0901

Attachments: View Report

Consent

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018

4.3 Subject: Settlement Agreement - Michael Lewis And Lisa Lewis 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 Michael Lewis And Lisa Lewis V. City Of Oakland, Alameda County Superior Court Case No. RG16842881, City Attorney's File No. 31268, In The Amount Of One Million Seven Hundred And Fifty Thousand Dollars And Zero Cents ($1,750,000.00) (Office Of Public Works - Wrongful Death)
18-0921

Attachments: View Report

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018

4.4 Subject: Settlement Agreement - Nancy McAfee, Et Al. 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: Nancy McAfee, Et Al. V. City Of Oakland, Alameda County Superior Court Case No. RG17846121 In The Amount Of One Million Dollars And No Cents ($1,000,000.00) Arising From A January 12, 2016 Trip-And-Fall Incident On The Sidewalk On The 5700 Block Of Dover Street (Department Of Transportation - Trip And Fall)
18-0922

Attachments: View Report

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 10/2/2018

4.5 Subject: Major Encroachment Permit At 350 Hawthorne Avenue
From: Department Of Transportation
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Sutter Bay Hospitals, A California Nonprofit Benefit Corporation DBA Alta Bates Summit Medical Center, To Allow A New Emergency Drop Off Canopy Structure Above Grade At 350 Hawthorne Avenue To Encroach Into The Public Right-Of-Way On 34th Street, Major Encroachment Permit ENMJ18058
18-0902

Attachments: View Report

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 10/9/2018

4.6 Subject: Seismic Retrofit Of 23rd Avenue Bridge Over UPRR (1001681)
From: Department Of Transportation
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate Up To Ten Million Twenty-Five Thousand Dollars ($10,025,000.00) In Federal Highway Administration And State Proposition 1b Funds For The Seismic Retrofit Of 23rd Avenue Bridge Project (Project No. 1001681); And
18-0903

Attachments: View Report

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 10/9/2018

2) A Resolution Authorizing The City Administrator To Award A Construction Contract To Proven Management, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Plans And Specifications, For The Seismic Retrofit Of 23rd Avenue Bridge (Project No. 1001681) In The Amount Of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars ($6,358,777.00); And
18-0904

Attachments: View Report

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 10/9/2018

3) A Resolution Waiving Further Request For Proposal/Qualification Competitive Selection Process Requirements And Authorizing The City Administrator, Or Designee, To Amend The Professional Services Contract With URS Corporation For Bridge Seismic Retrofit Projects By Increasing The Scope Of Work And The Contract Amount By Four Hundred Twenty Thousand Six Hundred Dollars ($420,600.00) For A Total Contract Amount Not-To-Exceed One Million Two Hundred Fifty Thousand Dollars ($1,250,000.00)
18-0905

Attachments: View Report

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 10/9/2018

4.7 Subject: Climate Emergency Resolution
From: Councilmembers Kaplan, Kalb, Mayor Schaaf, And City Attorney Parker
Recommendation: Adopt A Resolution Endorsing The Declaration Of A Climate Emergency And Requesting Regional Collaboration On An Immediate Just Transition And Emergency Mobilization Effort To Restore A Safe Climate; On The October 23, 2018 Public Works Committee Agenda
18-0882

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 10/23/2018

4.8 Subject: Transformative Climate Communities Program Grant
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Their Designee To Apply For, Accept, And Execute All Related Documents For Grant Funds In An Amount Of Twenty-Three Million Dollars ($23,000,000) To Thirty-Three Million Dollars ($33,000,000), Depending On The Grant Amount, From The State's Transformative Climate Communities (TCC) Program, Administered By The California Strategic Growth Council (SGC) And Department Of Conservation, For Projects Within Or Contiguous To The East Oakland Neighborhoods Initiative Project Area
18-0908

Attachments: View Report

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/9/2018

4.9 Subject: Resolution For State Grant Application Friends Of Peralta Hacienda
From: Oakland Parks And Recreation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept And Appropriate Grant Funds In The Amount Of $160,000 From The State Of California Department Of Parks And Recreation Habitat Conservation Fund Program To Expand Youth Wildlife Activities; And 2) Enter Into A Grant Agreement With Peralta Hacienda Historical Park In The Amount Of $160,000 For Use Of The Grant Funds To Provide Expanded Youth Wildlife Activities For The Four-Year Grant Term.
18-0907

Attachments: View Report

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/9/2018

4.10 Subject: Request For A Report Different Homeless Services And Programs
From: Councilmember Kaplan
Recommendation: Approve A Report And Recommendation From The Administration Responding To Reso No 87129 And A New Location For "The Village"; On The October 9, 2018 Life Enrichment Committee Agenda
18-0924

This Report and Recommendation be Scheduled.to go before the *Life Enrichment Committee to be heard 10/23/2018

4.11 Subject: Award Cultural Funding Program Grant To Karen Smith
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Cultural Arts Grant Agreement In An Amount Not To Exceed $4,999 With Individual Artist Karen Smith.; On The October 9, 2018 Life Enrichment Committee Agenda
18-0909

This City Resolution be Withdrawn with No New Date.

4.12 Subject: Safe Parking Program For The Unsheltered
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: Enter Into A Grant Agreement With A Fiscal Sponsor On Behalf Of The Interfaith Council Of Alameda County In An Amount Not To Exceed $300,000 To Provide A Safe Parking Program For Persons Living In Vehicles For A Grant Term Commencing On November 1, 2018 And Ending October 31, 2019; And If Additional Funds Become Available Amend The Grant Agreement To Increase The Grant Amount For The Provision Of Additional Safe Parking Sites Within The Grant Term
18-0910

Attachments: View Report

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/9/2018

4.13 Subject: OPD 2018 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Seventeen Thousand And Six Hundred And Seventy-Six Dollars ($217,676) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2018 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department; 2) Waiving The Advertising And Competitive Bidding Requirements For The Purchase Of DNA Typing Supplies From Three Companies: (1) Promega For Thirty five Thousand Nine Hundred Twenty Dollars ($35,920), (2) Qiagen For Eleven Thousand Five Hundred Dollars ($11,500), And (3) Thermofisher For Four Thousand Two Hundred And Forty-Four Dollars ($4,244); And 3) Thermofisher For One Hundred Forty-Three Thousdand Eight Hundred And Sixty-Four Dollars ($143,864) For A DNA Typing Instrument
18-0906

Attachments: View Report

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 10/9/2018

5 A Review Of The Draft Agendas For The City Council Meeting Of October 2, 2018 And The Rules And Legislation Committee Of October 4, 2018
18-0842

Attachments: View Report

CHANGES MADE TO THE DRAFT OCTOBER 2, 2018 CITY COUNCIL AGENDA

Subject: Clean Air Day Resolution
From: Councilmember Kalb And Councilmember McElhaney
Recommendation: Adopt A Resolution Supporting California's First Clean Air Day And Recognizing October 3, 2018 As Clean Air Day In The City Of Oakland
18-0895

Attachments: View Report

View Supplemental Report 9/27/2018

This Item was moved to the Consent calendar.

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018

6 Subject: Resolution In Support Of Props 1 & 2
From: Councilmember Kalb And President Reid
Recommendation: Adopt A Resolution In Support Of Proposition 1, The Housing Programs And Veterans' Loans Bond, And Proposition 2, Use Millionaire's Tax Revenue For Homelessness Prevention Housing Bonds Measure
18-0824

Attachments: View Report

View Supplemental Report

President Reid request to be added as a cosponsor.

This City Resolution be Approved the Recommendation of Staff, and Forward.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/2/2018

Aye: 4 - McElhaney, Guillén, Reid, and Campbell Washington

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

3 speakers spoke during open forum.

Adjournment

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MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM

*** In the event a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however, no final City Council action can be taken.**