



# City of Oakland

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

## Meeting Minutes - FINAL

### \*Rules & Legislation Committee

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

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

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Thursday, May 19, 2016

10:45 AM

City Council Chamber, 3rd Floor

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*The Oakland City Council Rules & Legislation Committee convened at 11:00 a.m.,  
with Council President Gibson McElhanev presiding as Chairperson.*

#### Roll Call / Call To Order

**Present** 4 - Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhanev

#### 1 Determinations Of Closed Session

[15-0994](#)

*Special Closed Session has been scheduled for June 7, 2016 at 3:00 p.m.*

**A motion was made by Kalb, seconded by Reid, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhanev

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of May 5, 2016

[15-0933](#)

**A motion was made by Kalb, seconded by Reid, that this matter be Received and Filed. The motion carried by the following vote:**

**Abstained:** 1 - Guillén

**Aye:** 3 - Kalb, Reid, and Gibson McElhanev

#### 3 Determination Of Schedule Of Outstanding Committee Items

[15-0995](#)

**A motion was made by Reid, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 4 - Guillén, Kalb, Reid, and Gibson McElhanev

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)  
[15-0996](#)

*There were 7 speakers on this item.*

**A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 3 - Guillén, Kalb, and Reid

**Absent:** 1 - Gibson McElhaney

- 4.1 Subject: Current Temporary Part Time Employees  
From: President Pro Tempore Reid  
Recommendation: Receive An Informational Report On The Allocation Of \$1,000,000 (One Million) Dollars To Convert Work Performed By Temporary Part-Time Employees To Permanent Employees As Prescribed In The Tentative Agreement With The City Of Oakland And SEIU 1021 For Fiscal Year 2015-2017 For the Following Classifications - Pool Manager PT, Recreation Attendant 1 PT, Recreation Specialist III, PT, Van Driver PT, Park Attendant PT, Library Aide PT, Library Assistant PT, Parking Control Technician PT  
[15-1044](#)

**This Informational Report was Scheduled.to the \*Finance & Management Committee to be heard 6/28/2016**

- 4.2 Subject: Consolidation Of Oakland General Municipal Election With Statewide General Election  
From: Office Of The City Clerk  
Recommendation: Adopt An Ordinance Requesting Consolidation Of The City Of Oakland General Municipal Election With The Statewide General Election To Be Held In The City Of Oakland On Tuesday, November 8, 2016  
[15-1045](#)

**This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 6/21/2016**

- 4.3 Subject: Support For AB 2707 - Stop Consumer Racial Profiling Act  
From: Councilmember Dan Kalb  
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2707 (Ridley-Thomas) That Would Prohibit Businesses From Profiling Or Targeting A Person That Results In Differential Treatment Based On Race Or Ethnicity And A Denial Or Degredation Of The Product Or Service Offered To Customers  
[15-1046](#)

**This City Resolution was Scheduled.to the \*Rules & Legislation Committee to be heard 6/2/2016**

- 4.4 Subject: Settlement Agreement - Wright 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 Patricia Wright V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG13-704223, In The Amount Of Eleven Thousand Five Hundred Dollars And No Cents (\$11,500.00) As A Result Of A Trip And Fall Accident On September 5, 2012 (Public Works - Dangerous Condition)  
[15-1047](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016**

- 4.5 Subject: Settlement Agreement - 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 Larry Lewis V. City Of Oakland, Alameda County Superior Court Case No. RG14750988, City Attorney's File No. 30027, In The Amount Of Thirty-Two Thousand Five Hundred Dollars And Zero Cents (\$32,500.00) (Public Works - Dangerous Condition)  
[15-1048](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016**

- 4.6 Subject: Older Americans Month  
From: Councilmember Gallo  
Recommendation: Adopt A Resolution Declaring May 2016 As National Older Americans Month  
[15-1049](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/21/2016**

- 4.7 Subject: Head Royce School Appeal  
From: Planning and Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying Appeal #REV13003-A01 And Upholding The Decision Of The City Planning Commission To 1) Legalize The School's Current Student Enrollment; 2) Revise Previously Approved Condition Of Approval #39 To Allow The Final Student Enrollment Increase Before January 4, 2021; 3) Revise The Previously Approved Conditions Of Approval; 4) Approve The Transportation Demand Management Program; And Affirm The Environmental Determination Pursuant To CEQA Guidelines Section 15314, Minor Additions To Schools; Section 15183, Projects Consistent With A Community Plan, General Plan Or Zoning, And Reliance On The Mitigated Negative Declaration Adopted By The Planning Commission On January 4, 2006  
[15-1050](#)

**This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/7/2016 as a Public Hearing**

- 4.8 Subject: Quarterly Reports Regarding Police Training, Policy & Accountability  
From: Office Of The City Attorney & Oakland Police Department  
Recommendation: Receive The Quarterly Informational Reports To The City Council From The Office Of The City Attorney And Police Department, Regarding Police Training, Policy And Accountability To Provide: (1) Information From The Office Of The City Attorney Regarding Its Efforts To Support The Police Discipline Process And Recent Developments In Police Discipline; (2) The Following Information From The Office Of The City Attorney Regarding Arbitration Decisions Issued During The Preceding Quarter: The Primary Rule Violation(s) At Issue, The Date Of The Arbitration Decision, The Discipline The City Imposed, And The Arbitrator's Finding Regarding The Level Of Discipline; And (3) Information From The Police Department Regarding IAD Investigations, Police Personnel Trainings, Updates To Police Policy, And Recent Developments In Police Discipline [TITLE CHANGE]  
[15-0777](#)

**This Informational Report was Scheduled.to the \*Public Safety Committee to be heard 6/14/2016**

**Items Submitted on the Dias**

Subject: Amended And Re-Stated Resolution 86094 C.M.S. Adopted May 5, 2016 As Required By The Affordable Housing And Sustainable Communities Program Application Per The California Department Of Housing And Community Development  
From: Housing and Community Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

(1) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For Putting Down Routes: Connecting East Oakland (AKA Redwood Hill) Located At 4856, 4862, 4868 Calaveras Avenue In An Amount Not To Exceed \$6,205,125 Under The 2015-16 Affordable Housing And Sustainable Communities Program; And  
[15-1052](#)

**This City Resolution was Scheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

(2) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For The Uptown Oakland Housing And Transportation Collaborative (Aka Embark Apartments) Located At 2126 Martin Luther King Jr. Way In An Amount Not To Exceed \$15,982,964 Under The 2015-16 Affordable Housing And Sustainable Communities Program; And  
[15-1053](#)

**This City Resolution was Scheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

(3) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For Empyrean & Harrison Hotel Housing And Transportation Improvements, A Scattered Site Development, Located At 1300 Webster Street And 1415 Harrison Street In An Amount Not To Exceed \$16,860,191 Under The 2015-16 Affordable Housing And Sustainable Communities Program; And

[15-1054](#)

**This City Resolution was Scheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

(4) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For Lakehouse Connections Located At E12th Street And Lake Merritt Blvd In An Amount Not To Exceed \$18,127,203 Under The 2015-16 Affordable Housing And Sustainable Communities Program; And

[15-1055](#)

**This City Resolution was Rescheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

(5) A Resolution Authorizing The Application For And Acceptance Of, And Appropriating, Grant Funds From The California Strategic Growth Council And/Or The California Department Of Housing And Community Development For Coliseum Connections Located At 801-844 71st Avenue In An Amount Not To Exceed \$14,883,316 Under The 2015-16 Affordable Housing And Sustainable Communities Program; And

[15-1056](#)

**This City Resolution was Scheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

Subject: Amending City Charter Regarding Authority to Lease for 99 Years  
From: Economic and Workforce Development  
Recommendation: Receive A Report And Recommend Possible Action Directing Staff To Prepare The Proposed Legislation To Place A Charter Amendment For Voter Approval On The November 8, 2016 General Election Ballot To Authorize The City Council To Lease Real Property For A Term Of Up To Ninety-Nine Years

[15-1051](#)

**This City Resolution was Scheduled.to the \*Special Community & Economic Development Committee to be heard 5/31/2016**

Subject: Creation Of New Department Of Transportation  
From: Office Of The City Administrator  
Recommendation: (1) Receive An Information Report Providing An Update On The Status Of Creating A New Department Of Transportation (DOT) And Recruitment Of A Director Of DOT; And (2) Adopt A Resolution (A) Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Agreement With Nelson\Nygaard Consulting Associates In An Amount Not To Exceed \$300,000, For The Purpose Of Assisting The City In Establishing The Department Of Transportation; And (B) Waiving The Competitive Bidding And Request For Proposals/Qualifications Process [TITLE CHANGE]  
[15-1031](#)

- 5 A Review Of The Draft Agendas For Special Community & Economic Development Committee Of May 31, 2016 And The Rules And Legislation Committee Of June 2, 2016  
[15-0993](#)

**A motion was made by Kalb, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:**

**Aye:** 3 - Guillén, Kalb, and Reid

**Absent:** 1 - Gibson McElhaney

- 6 Subject: Expunge Cannabis Related Convictions And Offenses  
From: Councilmember Rebecca Kaplan  
Recommendation: Adopt A Resolution Urging The State Of California To Allow Criminal Records For Cannabis-Related Offenses To Be Expunged And To Remove Restrictions That Exclude Individuals With Cannabis Related Offenses From Participating In The Cannabis Industry And From Other Job Or Business Opportunities  
[15-0975](#)

*There is one speaker on this item.*

**A motion was made by Kalb, seconded by Guillén, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 6/7/2016. The motion carried by the following vote:**

**Aye:** 3 - Guillén, Kalb, and Reid

**Absent:** 1 - Gibson McElhaney

**Open Forum (Total Time Available: 15 Minutes)**

*There were 4 Open Forum speakers.*

## **Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 11:42 a.m.*

## **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**

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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.**