



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>

Thursday, February 2, 2017

10:45 AM

City Council Chamber, 3rd Floor

Roll Call / Call To Order

The Oakland City Council Rules and Legislation Committee convened at 10:56 a.m., with Council President Reid presiding as Chairperson.

COMMITTEE MEMBERSHIP:

Excused 1 - Lynette McElhaney

Present 3 - Abel J. Guillén, Dan Kalb, and Laurence E. Reid

1 Determinations Of Closed Session

[16-0621](#)

Attachments: [View Report](#)

The City Attorney announced the final decision of a special closed session February 7, 2017 at 2:30 p.m. to discuss anticipated and pending litigation, and other matters.

There were no speakers on this item.

Accepted

Excused: 1 - McElhaney

Aye: 3 - Guillén, Kalb, and Reid

2 There Are No Minutes For Approval For January 19, 2017

[16-0622](#)

There was no action necessary for this item.

3 Determination Of Schedule Of Outstanding Committee Items

[16-0623](#)

Attachments: [View Report](#)

There were no speakers on this item.

Accepted

Excused: 1 - McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- 4** Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[16-0624](#)

Attachments: [View Report](#)

There were 2 speakers on various items.

Accepted as Amended

Excused: 1 - McElhaney

Aye: 3 - Guillén, Kalb, and Reid

- 4.1** Subject: Resolution Prohibiting Hiring Discrimination Based On Non-Work-Related Cannabis Use
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Declaring That Past Non-Work-Related Cannabis Use Shall Not Be Considered In The Selection Process For Any City Job Except Police Officer Trainee, Police Officer And Public Safety Dispatcher And Any Other Position For Which Such Consideration Is Legally Required
[16-0692](#)

Attachments: [View Report](#)

[86645 CMS](#)

Scheduled

- 4.2** Subject: Parks And Recreation Foundation's Community Report Card
From: Councilmember Kaplan
Recommendation: Receive An Informational Report From The Oakland Parks And Recreation Foundation's Community Report Card On The State Of Maintenance In Oakland Parks
[16-0690](#)

Sponsors: Kaplan

Attachments: [View Report](#)

Scheduled

4.3 Subject: Informational Report On A Proactive Rental Inspection Pilot
From: Councilmember Gibson McElhaney
Recommendation: Receive An Informational Report On Creating A Pilot Proactive Rental Inspection (PRI) Program To Address Housing Habitability Concerns That Concentrate On Areas Of The City That Pose The Highest Risk For Childhood Lead Poisoning And Proposals For Funding Consideration For The FY 2017-2019 Budget
[16-0687](#)

Sponsors: McElhaney

Attachments: [View Report](#)

Scheduled

4.4 Subject: Informational Report On Police Search Data
From: Councilmember Kaplan
Recommendation: Receive An Informational Report On Police Search Data That Breaks Down “Successful” Searches Showing Numbers That Were Firearms, Numbers That Were Cannabis, And Numbers That Were Other Items
[16-0693](#)

Scheduled

Subject: Police Search Data Policy Review For Cannabis And Firearms
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Declaring That Finding Cannabis When Searching A Person Or Vehicle Shall Not Be Considered As Having “Successfully Found An Illegal Item”
[16-0694](#)

Scheduled

4.5 Subject: Reappointment To The Citizen's Police Review Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Brian Bingham, Charlette Green And Jose A. Dorado To The Citizen's Police Review Board
[16-0688](#)

Sponsors: Office Of The Mayor

Attachments: [View Report](#)

[86612 CMS](#)

Scheduled

4.6 Subject: Resolution Calling On CalPERS To Divest From DAPL
From: Councilmembers Kaplan, Gallo, Kalb, President Pro Tempore Guillén, And Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Calling On The California Public Employees' Retirement System (CalPERS) To Divest From The Dakota Access Pipeline (DAPL)
[16-0691](#)

Attachments: [View Report](#)
[86613 CMS](#)
Scheduled

4.7 Subject: Environmental Science Associates Contract - Coal Health And Safety Analysis
From: Bureau Of Planning
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute A Contract Amendment With Environmental Science Associates In The Amount Of Twenty Thousand Three Hundred And Fifty Seven Dollars (\$20,357), For A Total Contract Amount Of One Hundred Forty Thousand Three Hundred And Fifty Seven Dollars (\$140,357), For Work Related To The Analysis Of Potential Health And Safety Effects Of Certain Commodities Proposed At The Oakland Bulk And Oversized Terminal, From Undesignated General Purpose Fund Balance; On The February 21, 2017 City Council Agenda
[16-0686](#)

Sponsors: Planning & Building Department
Withdrawn with No New Date

4.8 Subject: Honoring The McClymonds High School Warriors
From: Councilmember Gibson McElhaney
Recommendation: Adopt A Resolution Honoring The McClymonds High School Warriors For Winning The California Interscholastic Federation Division 5A Championship
[16-0685](#)

Sponsors: McElhaney
Attachments: [View Report](#)
[86595 CMS](#)
Scheduled

4.9 Subject: Resolution Honoring The Bishop O’Dowd Football Team (2016 Champions)
From: Council President Reid
Recommendation: Adopt A Resolution Honoring And Recognizing Bishop O’Dowd Boys Football Team For Winning The 2016 California Interscholastic Federation (CIF) -State Division 5-AA Championship
[16-0689](#)

Sponsors: Mr. Reid

Attachments: [View Report](#)
[86596 CMS](#)

Scheduled

4.10 Subject: Council President Appointments To Council Committees For 2017-2019
From: Council President Reid
Recommendation: Adopt A Resolution Pursuant To The Council’s Rules Of Procedure (Resolution No. 82580 C.M.S.) To Confirm The City Council President’s Appointments Of The Members And Chairpersons Of The Public Works, Finance And Management, Community And Economic Development, Life Enrichment, Public Safety, Rules And Legislation, And Education Partnership Committees Of The City Council
[16-0600](#)

Sponsors: Larry Reid

Attachments: [View Report](#)

Scheduled

REQUESTS SUBMITTED ON THE DIAS

Subject: Support Of Senate Bill 54 - California Values Act
From: Pro Tem Guillén, Council President Reid, & Councilmember Gallo
Recommendation: Adopt A Resolution In Support Of Senate Bill 54 (De Leon), Pending Amendments, That Would Prevent The Use Of State And Local Resources For Federal Immigration Enforcement Actions That Will Separate Families And Hurt The State’s Economy
[16-0696](#)

Sponsors: Guillén, Mr. Reid and Gallo

Attachments: [View Report](#)
[86626 CMS](#)

Scheduled

Subject: Presidential Executive Order - Border Wall - No Support To Contractors
From: Council President Pro Tem Guillén, Council President Reid, Councilmember McElhanev And Councilmember Gallo
Recommendation: Adopt A Resolution Denouncing The Presidential Executive Order To Build A Wall Along The U.S.-Mexico Border, Establishing A Policy That Requires The City To Refrain From Entering Into Any New Or Amended Contracts To Purchase Goods, Materials, Labor Or Professional, Technical, Scientific, Financial Or Any Other Services From Any Business That Provides Such Goods, Materials, Labor Or Services In Support Of The Building Of Said Border Wall, And Directing The City Administrator To Return With An Ordinance To Establish The Policy By Law
[16-0697](#)

Sponsors: Guillén and Mr. Reid

Attachments: [View Report](#)
[86662 CMS](#)

Scheduled

Subject: Status Update On Progress Of Implementation Of Measure To Aid Homeless Individuals Residing In Oakland
From: Councilmember Dan Kalb
Recommendation: Receive A Comprehensive Informational Report On All City's Efforts To Address The Challenges And Needs Of The Homeless Individuals Residing In Oakland With Options For Additional Administrative, Legislative And Budgetary Actions. This Report Shall Include, But Not Be Limited To, Information On Coordination And Work With The State Agencies, County And Adjacent Jurisdictions, Progress On Identifying Land For A Sanctioned Encampment, Status And Feasibility Of Tiny Homes As A Partial Solution, Number Of Beds In Oakland-Based Shelter, And Any Other Solutions That The Administration Deems Worthy Of Consideration
[16-0698](#)

Scheduled

CHANGES TO PUBLIC WORKS COMMITTEE PENDING LIST FOR FEBRUARY 28, 2017

Subject: "Push\Pull" Rates For Multi-Family Buildings
From: Councilmember Kalb And Councilmember Kaplan
Recommendation: Receive An Informational Report On The Outcomes Of Efforts And Strategies To Reduce Zero Waste Collection Push Service Costs For Multi-Family Buildings.
[16-0367](#)

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

ADJUSTMENTS TO THE FEBRUARY 7, 2017 CITY COUNCIL AGENDA

Subject: Honorarium For Gregory Chan Of EBMUD
From: President Pro Tempore Guillén, Council President Reid, Councilmember Kalb And Mayor Schaaf
Recommendation: Adopt A Resolution Honoring Gregory L. Chan For Exemplary Service To The Oakland Community
[16-0628](#)

Sponsors: Guillén, Larry Reid, Dan Kalb and Libby Schaaf

Attachments: [View Supplemental Report](#)
[86594 CMS](#)

Scheduled

- 5** A Review Of The Draft Agendas For The Council Committee Meetings Of February 14, 2017 And The Rules And Legislation Committee Of February 16, 2017
[16-0626](#)

Attachments: [View Report](#)

There were no speakers on this item.

FROM THE LIFE ENRICHMENT COMMITTEE OF FEBRUARY 14, 2017

Subject: Oakland Children - Smoking Prevention Ordinance
From: Vice Mayor Campbell Washington And Council President Reid
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.91 To: (1) Prohibit The Sale Of Flavored Tobacco Products; (2) Establish A Minimum Package Or Volume Size For Cigars; (3) Prohibit The Sale Of Individual Or Small Unit Packages Of Cigars; (4) Require The Posting Of The Full Retail Price Of Tobacco Products; And (5) Prohibit The Redemption Of Tobacco Discounts And Coupons
[16-0413](#)

Sponsors: Campbell Washington and Mr. Reid

Scheduled

Staff noted changes to titles to the following items:

Item 4 previously scheduled for the February 14, 2017 Public Works Committee, requested to rescheduled to the x Public Works Committee agenda regarding the Zero Waste Report to now read:

"Informational Report On The Outcomes Of Efforts And Strategies To Reduce Zero Waste Collection Push Service Costs For Multi-Family Buildings Informational Report On Outcomes"

Item 4 scheduled to the February 14, 2017 Life Enrichment Committee, to adjust the dollar figures accordingly:

\$38,275 as the new figure for the 17 - 18 fiscal year and \$36,692 as the new figure for the 18 - 19 fiscal year.

Open Forum (Total Time Available: 15 Minutes)

There were 3 speakers during open forum.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 11:35 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

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 238-3254

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

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