



# 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, February 23, 2017

10:45 AM

City Council Chamber, 3rd Floor

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### Roll Call / Call To Order

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

### COMMITTEE MEMBERSHIP:

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

#### 1 Determinations Of Closed Session

[16-0701](#)

**Attachments:** [View Report](#)

**Accepted**

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

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of February 9, 2017

[16-0702](#)

**Attachments:** [View Report](#)

**Accepted**

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

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

[16-0703](#)

**Attachments:** [View Report](#)

**Accepted**

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

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

[16-0704](#)

**Attachments:** [View Report](#)

**Accepted as Amended**

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

- 4.1** Subject: Status Update On The Police Administration Building (PAB) Feasibility Study  
From: Oakland Public Works  
Recommendation: Receive An Informational Report On The Project Status Of The Police Administration Building Feasibility Study, Including The Research And Evaluation Of Existing Documents, Program And Space Needs Assessment, Building Site Layout And Site Considerations, Budget Cost Estimates, Timeline, Finance Strategy And Implementation Plan  
[16-0771](#)

**Attachments:** [View Report](#)

**Scheduled**

- 4.2** Subject: Oakland Police And Fire Retirement System's  
From: Finance Department  
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System ("PFRS") Investment Portfolio As Of December 31, 2016  
[16-0772](#)

**Attachments:** [View Report](#)

[View Report](#)

**Scheduled**

- 4.3** Subject: Amending The Master Fee Schedule  
From: Revenue Management Bureau  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Ordinance 13363 C.M.S. (The FY 2016-17 Master Fee Schedule, Or "MFS"), To Establish, Modify And Delete Fees And Penalties Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland, Referenced Herein  
[16-0773](#)

***This item will also be scheduled as a public hearing before the March 21, 2017 City Council.***  
**Scheduled**

**4.4** Subject: Sanitary Sewer Root Foaming  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Rejecting All Bids, Waiving Further Competitive Bidding, And Authorizing The City Administrator, Or Designee, To Negotiate With Duke's Root Control, Inc., The Lowest Bidder, And Execute A Construction Contract For Sanitary Sewer Root Foaming Services Fiscal Year 2016 To 2019 (Project No. 1000922) In The Amount Of One Million Eight Hundred Twelve Thousand Four Hundred Twenty Dollars And Fifty Cents (\$1,812,420.50)  
[16-0757](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [View Report](#)  
[86647 CMS](#)

**Scheduled**

**4.5** Subject: Draft San Leandro Creek Trail Master Plan  
From: Economic And Workforce Development  
Recommendation: Receive An Informational Report On The Draft San Leandro Creek Trail Masterplan  
[16-0767](#)

**Sponsors:** Economic & Workforce Development Department

**Attachments:** [View Report](#)  
[View Report](#)  
[View Supplemental Report](#)

**Scheduled**

**4.6** Subject: Major Encroachment Permit at 1814 Franklin Street  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To 1814 Franklin Investors, LLC To Allow Portions Of Existing Basement And Awning At 1814 Franklin Street To Encroach Into The Public Right-Of-Way Along Franklin Street And 19th Street, Major Encroachment Permit ENMJ16057  
[16-0768](#)

**Sponsors:** Transportation Department

**Attachments:** [View Report](#)  
[86648 CMS](#)

**Scheduled**

**4.7** Subject: High Street, Courtland, Ygnacio Intersection Improvement Project  
From: Oakland Public Works  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Beliveau Engineering, The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The High Street, Courtland Avenue, And Ygnacio Avenue Intersection Improvements Project (Project No. C490610) In The Amount Of One Million One Hundred Seventy-One Thousand One Hundred Sixty-One Dollars And Fifty Cents (\$1,171,161.50)  
[16-0769](#)

**Sponsors:** Oakland Public Works Department

**Attachments:** [View Report](#)  
[86649 CMS](#)

**Scheduled**

**4.8** Subject: Certificate Of Completion For Public Improvements at 2847 Peralta Street  
From: Department Of Transportation  
Recommendation: Adopt A Resolution Accepting Public Improvements In The Right-Of-Way At 2847 Peralta Street Per Subdivision Improvement Agreement Dated October 16, 2012 And Directing The Filing Of The Unconditional Certificate Of Completion For The Subdivision  
[16-0770](#)

**Sponsors:** Transportation Department

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86650 CMS](#)

**Scheduled**

**4.9** Subject: Housing Related Parks Program Grant 2016  
From: Housing And Community Development  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$500,000 Under The Housing Related Parks Program For Improvements To The Tassafaronga Recreation Center Gymnasium; And  
[16-0762](#)

**Attachments:** [View Report](#)  
[86653 CMS](#)

**Scheduled**

2) A Resolution Amending Resolution Nos. 85407 And 86029 C.M.S, Which Authorized The City To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development Under The Housing Related Parks Program, To Change One Of The Funded Projects From Curt Flood Field To Rainbow Recreation Center

[16-0763](#)

**Attachments:** [86654 CMS](#)

**Scheduled**

**4.10** Subject: MacArthur Bart Transit Village - Consent To Property Conveyance  
From: Economic And Workforce Development  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Amending Resolution No. 86266 C.M.S. Which Authorized Consent To The Assignment Of MacArthur Transit Community Partners, LLC's (MTCP) Right To Acquire Parcels B-1 And B-2 From Bart And The Partial Assignment Of A Development Agreement Between The City Of Oakland And MTCP To A Joint Venture Between McGrath Properties, Inc., Or Related Entity, And Boston Properties LP, Or Related Entity ("BP"), And Instead Authorize The Consent To The Assignment Of MTCP's Right To Acquire Parcels B-1 And B-2 From Bart And Partial Assignment Of The Development Agreement To BP, Pursuant To A Long-Term Ground Lease With An Option To Purchase Between MPI MacArthur, LLC, Or Related Entity, And BP For The Development Of Parcels B-1 And B-2 Of The MacArthur Station Project (Formerly Known As The MacArthur Transit Village), Relying On The 2008 MacArthur Transit Village Project Environmental Impact Report And Addenda, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168, 15180, 15183, 15183.3 And 15061, And Adopting Related CEQA Findings; And

[16-0764](#)

**Attachments:** [View Report](#)

[View Report](#)

[86655 CMS](#)

**Scheduled**

2) A Resolution: 1) Amending Resolution No. 2016-005 C.M.S., Which Authorized Consent To The Assignment Of MacArthur Transit Community Partners, LLC's ("MTCP") Right To Acquire Parcels B-1 And B-2 From Bart And The Partial Assignment Of An Owner Participation Agreement (OPA) Between ORSA And MTCP To A Joint Venture Between McGrath Properties, Inc., Or Related Entity, And Boston Properties LP, Or Related Entity, And Instead Authorize The Consent To The Assignment Of MTCP's Right To Acquire Parcels B-1 And B-2 From Bart And Partial Assignment Of The OPA To Boston Properties LP, Or A Related Entity ("BP") Pursuant To A Long Term Ground Lease With An Option To Purchase Between MPI MacArthur, LLC, Or A Related Entity, And BP For The Development Of Parcels B-1 And B-2 Of The MacArthur Station Project ("Project"), 2) Authorizing A Third Amendment To The OPA To (A) Waive A Performance And Payment Bond Requirement For Development Of The Project In Exchange For An Additional Payment Of Up To \$500,000 For Community Benefits; (B) Extend OPA Performance Deadlines; (C) Increase The Net Worth Requirement For The Entity That Will Provide The Completion Guaranty For The Project; And (D) Amend Section 2.2.3 To Limit Placement Of The Below Market Rate Units For The Parcel B Project To Floors Five Through Nine; And (3) Relying On the 2008 MacArthur Station Project Environmental Impact Report And Addenda, And Other Documents, Finding That No Additional Environmental Review Is Needed Pursuant To California Environmental Quality Act Guidelines Sections 15162-15164, 15168, 15180, 15183, 15183.3 And 15061, And Adopting Related CEQA Findings

[16-0765](#)

**Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86656 CMS](#)

**Scheduled**

**4.11** Subject: 500 Kirkham DDA Assignment  
From: Economic And Workforce Development  
Recommendation: Adopt An Ordinance Amending Ordinance No. 13368 C.M.S., Which Authorized A Disposition And Development Agreement (DDA) With TL Partners V, L.P., For Disposition And Development Of 500 Kirkham Street As A Mixed-Use Project, To Assign The DDA To Panoramic Interests, LLC, Or An Affiliate.

[16-0766](#)

**Attachments:** [View Report](#)  
[13423 CMS](#)

**Scheduled**

**4.12** Subject: Displacement Of Oakland’s Non-Profit Organizations Due To Dramatic Increases In Rental Costs  
From: Councilmember Brooks  
Recommendation: Receive An Informational Report From The City Administrator And Possible Action On The Impact Of The High Costs Of The Current Commercial Rental Market On Nonprofit And Community Based Organizations; An Analysis Of The Displacement Of Nonprofits From The City Of Oakland Between 2012 To The Present (Analysis To Include The Impact On The Delivery Of Services); And Recommendations On How To Retain A Vibrant Non-Profit Community In Oakland Through City Support To Ameliorate The Impact Of Rising Rental Costs  
[16-0778](#)

**Sponsors:** Ms. Brooks

**Attachments:** [View Report](#)

**Scheduled**

**4.13** Subject: Gift-In-Place: Lincoln Square Basketball Courts  
From: Parks And Recreation Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept A Gift Of In-Kind Services From The Warriors Community Foundation For The Lincoln Square Basketball Court Renovation Project Valued At Ninety Five Thousand Dollars (\$95,000.00)  
[16-0759](#)

**Sponsors:** Oakland Parks & Recreation Department

**Attachments:** [View Report](#)

[View Report](#)

[86657 CMS](#)

**Scheduled**

**4.14** Subject: Contract Award To Motiv Power Systems  
From: Oakland Public Library  
Recommendation: Adopt A Resolution Waiving The Advertising And Competitive Bidding Requirements And The Local And Small Local Business Enterprise (L/SLBE) Program Requirements And Awarding A Contract To Motiv Power Systems In An Amount Not To Exceed One Hundred Ten Thousand Dollars (\$110,000) For The Purchase Of An Electric Vehicle To Be Used As The Oakland Public Library's Mobile Library Vehicle  
[16-0760](#)

**Sponsors:** Oakland Public Library

**Attachments:** [View Report](#)

[86658 CMS](#)

**Scheduled**

**4.15** Subject: Head Start Subcontract With Oakland Unified School District, FY 2016-2017  
From: Human Services Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1) Enter Into A Sub-Contract With Oakland Unified School District To Receive State Funding In An Amount Not To Exceed \$200,000 To Provide California General Child Care And Development Services To Eligible Participants, Ages Birth To Three Years Old, Effective February 1, 2017 Through June 30, 2017; And Accept And Appropriate Said Funding; (2) Renew This Sub-Contract For Fiscal Year July 1, 2017 Through June 30, 2018 Pending Funding Availability And Accept And Appropriate Additional Funding In An Amount Not To Exceed \$200,000; And (3) Amend The Sub-Contract, And Accept And Appropriate Any Additional State Funding That Becomes Available From Oakland Unified School District For The Same Purpose Within The Contract Term Ending June 30, 2018  
[16-0761](#)

**Sponsors:** Human Services Department

**Attachments:** [View Report](#)

[86659 CMS](#)

**Scheduled**

**4.16** Subject: Annual Community Impact Report For Oakland Children’s Fairyland  
From: Vice Mayor Campbell Washington  
Recommendation: Receive An Informational Report On The Annual Community Impact Report For Oakland Children’s Fairyland  
[16-0775](#)

**Sponsors:** Campbell Washington

**Attachments:** [View Report](#)

**Scheduled**

**4.17** Subject: Community Impact Report For Paramount Theatre  
From: Vice Mayor Campbell Washington  
Recommendation: Receive An Informational Report On The Community Impact For Paramount Theatre  
[16-0776](#)

**Sponsors:** Campbell Washington

**Attachments:** [View Report](#)

**Scheduled**



**4.18** Subject: CA DOJ Stop Data MOU  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) With The California Department Of Justice (CA DOJ), To Assist In The Development Of Preliminary Guidelines And Best Practices For Law Enforcement Data Collection, Analysis, And Reporting, From January 3, 2017 To September 30, 2018  
[16-0758](#)

**Attachments:** [View Report](#)

[86660 CMS](#)

**Scheduled**

**4.19** Subject: Travel Authorization  
From: President Pro Tem Guillén  
Recommendation: Adopt A Resolution Authorizing Council President Pro Tem Abel Guillén To Travel To Yosemite, California To Attend The 2017 Annual Local Government Commission Policymakers Conference From March 16-19, 2017  
[16-0774](#)

**Attachments:** [View Report](#)

[86623 CMS](#)

**Scheduled**

**4.20** Subject: Settle The Claim Of George Zviagin  
From: The Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of George Zviagin, In The Amount Of Seventy Nine Thousand Five Hundred Eighty-Eight Dollars And 29/100 Cents (\$79,588.29) As The Result Of A Failed Sewer Main On July 19, 2016 (Public Works- Failed Sewer Main)  
[16-0777](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)

[86624 CMS](#)

**Scheduled**

**4.21** Subject: Appointments To The National League Of Cities' 2017 Congressional City Conference  
From: Council President Reid  
Recommendation: Adopt A Resolution Appointing Councilmember Lynette Gibson McElhaney As Delegate And Appointing Councilmember Desley Brooks As Alternate Delegate To Represent The City Of Oakland At The National League Of Cities' 2017 Congressional City Conference Scheduled To Be Held In Washington, DC Beginning March 11  
[16-0779](#)

**Sponsors:** McElhaney

**Attachments:** [View Report](#)  
[86625 CMS](#)

**Scheduled**

**4.22** Subject: Resolution In Support Of Assembly Bill 1506  
From: Councilmembers Kaplan, Kalb, And Pro Tem Guillen  
Recommendation: Adopt A Resolution (1) Supporting Assembly Bill 1506 That Would Repeal The Costa-Hawkins Rental Housing Act, Setting Statewide Limits On Local Rent Controls; (2) If Not Repealed, Urging Reform Of Costa-Hawkins To Permit Expansion Of Local Rent Controls; And (3) Urging The State Legislature To Preserve The Costa-Hawkins' Requirement For A Landlord's 90 Day Notice To Tenants Following Termination Of A Rent Limitation Agreement With A Government Agency  
[16-0780](#)

**Attachments:** [View Report](#)  
[86664 CMS](#)

**Scheduled**

**4.23** Subject: Honoring Mrs. Willie Jernigan On Her 105th Birthday  
From: Councilmember Kalb  
Recommendation: Adopt A Resolution Honoring Mrs. Willie Jernigan On Her 105th Birthday  
[16-0781](#)

**Sponsors:** Kalb

**Attachments:** [View Report](#)  
[86627 CMS](#)

**Scheduled**

**REQUEST SUBMITTED ON THE DIAS**

Subject: Support Of Senate Bill 562  
From: Councilmember Kaplan  
Recommendation: Adopt A Resolution In Support Of Senate Bill 562 (Lara & Atkins), Californians For A Healthy California Act, That Would State The Intent Of The Legislature To Enact Legislation That Would Establish A Comprehensive Universal Single-Payer Health Care Coverage Program And A Health Care Cost Control System For The Benefit Of All Residents Of The State  
[16-0782](#)

Attachments: [View Report](#)

**Scheduled**

Subject: ITD Project Support  
From: Information Technology Department  
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator Or Designee To Enter Into Professional Services Agreements And/Or Purchase Agreements For Hardware Or Software To Support A) Phase II Of The Oracle Reimplementation Project ("Oracle Project"), B) Related Technology Upgrades For City Departments, And C) The Final Implementation Phase Of The Performance, Reporting, Information And Metrics Environment (Prime) Project In An Amount Not To Exceed One Million Two Hundred And Fifty Thousand Dollars (\$1,250,000) Without Return To Council; And 2) Waive The Multiple-Step Solicitation Process Requirements When Necessary.  
[16-0783](#)

Attachments: [View Report](#)

[86646 CMS](#)

**Scheduled**

Subject: Equity Analysis And Proposed Medical Cannabis Ordinances  
From: Office Of The City Administrator  
Recommendation: Receive A Race And Equity Report On Medical Cannabis Regulations And Adopt The Following Pieces Of Legislation:

1. An Ordinance Amending Oakland Municipal Code Chapter 5.80, Medical Cannabis Dispensary Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law; And [16-0784](#)

- Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[View Supplemental Report](#)  
[13424 CMS](#)

**Scheduled**

2. An Ordinance Amending Oakland Municipal Code Chapter 5.81, Medical Cannabis Cultivation Facility Permits, To Clarify And Strengthen The City's Equity Permit Program And Provide Additional Updates Consistent With State Law [16-0785](#)

**Attachments:** [13425 CMS](#)

**Scheduled**

Subject: Recognizing OUSD Students In The 38th Annual MLK Jr. Oratorical Fest  
From: Vice Mayor Campbell Washington  
Recommendation: Adopt A Resolution Recognizing Oakland Unified School District Students For Their Outstanding Performances And First Place Awards In The 38th Annual Martin Luther King Jr. Oratorical Fest 2017 [16-0786](#)

- Attachments:** [View Report](#)  
[View Supplemental Report](#)  
[86616 CMS](#)

**Scheduled**

**CHANGES TO THE FEBRUARY 28 CED COMMITTEE AGENDA**

Subject: Revisions To Public Art Requirements For Private Developments  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Repealing Ordinance No. 13275 C.M.S., Amending The Oakland Municipal Code To Adopt Chapter 15.78, Public Art Requirements For Private Development, And Adopting CEQA Exemption Findings  
[16-0710](#)

**Sponsors:** Planning & Building Department

**Attachments:** [View Report](#)

***Rescheduling of this time would also move the Public Hearing previously scheduled to March 7, 2017 to the March 21, 2017 City Council Meeting agenda Scheduled***

- 5 A Review Of The Draft Agendas For The City Council Meeting Of March 7, 2017 And The Rules And Legislation Committee Of March 9, 2017  
[16-0705](#)

**Attachments:** [View Report](#)

**Accepted as Amended**

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

Subject: Healthy Vending Ordinance  
From: Vice Mayor Campbell Washington  
Recommendation: Adopt An Ordinance Adding Chapter 8.15 To The Oakland Municipal Code To (1) Require that Prepackaged Food And Beverages Sold In Vending Machines On City Property Meet Specified Nutritional Standards, (2) Request City Departments To Meet Nutritional Guidelines For Food And Beverages Purchased With City Funds And Served At City Events And Meetings, And (3) Encourage Restaurants Located On City Property To Offer Healthy Food Options  
[16-0412](#)

**Sponsors:** Campbell Washington

**Attachments:** [View Report](#)

***Moved to the pending list with no specific date***

**Rescheduled**

- 7 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](#)

**Approve the Recommendation of Staff, and Forward**

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

- 8 Subject: New California State Laws  
From: Office Of The City Attorney's  
Recommendation: Receive An Informational Report And Briefing From The City Attorney's Office On All New California State Laws Which Became Effective In 2017  
[16-0596](#)

**Sponsors:** Office Of The City Attorney

**Attachments:** [View Report](#)

***The Committee directed staff to distribute the report of the City Attorney to the respective departments that may experience impacts to department operations. Received and Filed***

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

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

***There were 2 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 11:43 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.