



City of Oakland

Office of the City Clerk
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612
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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, January 11, 2018

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules And Legislation Committee convened at 10:50 a.m., with Council President Reid presiding as Chairperson.

Roll Call / Call To Order

Present 3 - Abel J. Guillén, Laurence E. Reid, and Annie Campbell Washington

Absent 1 - Lynette McElhaney

1 Determinations Of Closed Session

[17-0485](#)

Attachments: [View Report](#)

There will be a Special Closed Session at 2:30 p.m On January 16, 2018

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: 3 - Guillén, Reid, and Campbell Washington

Absent: 1 - McElhaney

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of December 14, 2017

[17-0486](#)

Attachments: [View Report](#)

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

Aye: 3 - Guillén, Reid, and Campbell Washington

Absent: 1 - McElhaney

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items
[17-0487](#)

Attachments: [View Report](#)

There were No changes 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: 3 - Guillén, Reid, and Campbell Washington

Absent: 1 - McElhaney

NO VOTE: 0

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[17-0488](#)

Attachments: [View Report](#)

1 speaker spoke on this item.

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

Aye: 3 - Guillén, Reid, and Campbell Washington

Absent: 1 - McElhaney

NO VOTE: 0

4.1 Subject: Legislation To Place A Library Parcel Tax Measure On The June 5, 2018 Ballot
From: Oakland Public Library
Recommendation: Adopt 1) A Resolution On The City Council's Own Motion Submitting To The June 5, 2018 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Maintain, Protect And Improve Direct Library Services Throughout Oakland; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The June 5, 2018 Statewide Primary Election; OR
[18-0035](#)

Attachments: [View Report](#)

[View Supplemental Report 1/26/18](#)

[View Supplemental Report 2/1/18](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 1/25/2018

4.2 Subject: Proposed Ballot Measure To Tax Vacant Properties
From: Councilmember Kaplan And Kalb
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Proposed Ordinance To Authorize The City Of Oakland To Collect A Tax On Vacant Properties; And
[17-0453](#)

- Attachments:** [View Report](#)
[View Report](#)
[View Kaplan Report 3/29/18](#)
[View Kaplan Report 4/13/18](#)
[View Supplemental Report 5-11-218](#)

This Item will be heard at the Finance And Management and Community And Economic Development Committee

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 3/13/2018

2) A Resolution, On The City Council's Own Motion, Submitting This Item To The Voters At The 2018 Election
[17-0454](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 3/13/2018

4.3 Subject: Rezoning Of 4432-4434 And 4444 Telegraph Avenue
From: Planning And Building Department
Recommendation: Adopt An Ordinance, To Rezone Portions Of Two Parcels Located At 4432-4434, And 4444 Telegraph Avenue From The RM-1 Mixed Housing Type Residential Zone To The CN-2 Neighborhood Center Zone And To Adopt Related California Environmental Quality Act (CEQA) Findings
[18-0040](#)

- Attachments:** [View Report](#)
[87089 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/23/2018

4.4 Subject: Ordinance Re: Betti Ono And Pro Arts Galleries
From: Economic And Workforce Development
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute Below Market Rent Leases For The Betti Ono And Pro Arts Galleries Located At 150 Frank H. Ogawa Plaza For The Term Of Five Years In Exchange For In-Kind Services And Cultural Benefits As Authorized By O.M.C. Section 2.42.110 [18-0037](#)

Attachments: [View Report](#)
[View Supplemental 01-19-2018](#)
[13476 CMS](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/23/2018

4.5 Subject: On-Call Plan Check Services
From: Planning And Building
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Negotiate, Award And Execute Professional Services Agreements For Two-Year Terms For On-Call Plan Check Services With 4Leaf, Inc., And West Coast Code Consultants, Inc. In The Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement; And, To Amend The Term And Amount For Existing Professional Service Agreements With CSG Consultants, Inc., And TRB + Associates, Inc. To Add An Additional Two-Years To The Term For Each Firm With An Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement [18-0041](#)

Attachments: [View Report](#)
[87041 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/23/2018

4.6 Subject: Adjustment to FY 2017-18 Appropriations
From: Planning And Building
Recommendation: Adopt A Resolution Amending Resolution No. 86179 C.M.S. To Authorize The City Administrator To (A) Transfer Federal Emergency Management Agency (FEMA) Appropriations From The Housing And Community Development Department (HCDD) To The Planning And Building Department (PBD); And To (B) Fund The Addition Of 3.0 FTES To PBD FY 2017-18 Adopted Budget To Support The Two FEMA Grant-Funded Seismic Retrofit Programs For The City Of Oakland
[18-0042](#)

Attachments: [View Report](#)
[View Supplemental 01-19-2018](#)
[87042 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/23/2018

4.7 Subject: FY 2017-2018 And 2018-2019 Moving To Work Local Housing Assistance Program
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into A Fifteen-Year Agreement With The Oakland Housing Authority (OHA) To Implement The Moving To Work Local Housing Assistance Program (LHAP), And Accept Funds In An Amount Not To Exceed \$965,400 Each Year For Fiscal Year (FY) 2017-2018 And 2018-2019; And Appropriate Said Funds; 2) Enter Into Grant Agreements With East Oakland Community Project In An Amount Not To Exceed \$318,120 And Bay Area Community Services In An Amount Not To Exceed \$647,280 For The Provision Of Transitional Housing Services For The LHAP Each Year For FY 2017-18 And 2018-2019; And 3) Accept And Appropriate Additional Funds That Become Available From OHA In FY 2017-2018 And 2018-2019 And Amend The Grant Agreements To Adjust The Grant Amounts Without Returning To Council
[18-0045](#)

Attachments: [View Report](#)
[87043 CMS](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 1/23/2018

- 4.8** Subject: Resolution To Clarify The Use Of The Sugar-Sweetened Beverage Tax Funds
From: Vice Mayor Campbell Washington And Council Member Kaplan
Recommendation: Adopt A Resolution Providing 1) That A New Separate Account Shall Be Established Within The General Fund To Hold General Tax Revenues Generated By The Oakland Sugar-Sweetened Beverage Distribution Tax, And 2) Determining That The City Council Shall Not Appropriate Sugar-Sweetened Beverage Distribution Tax Revenues Prior To Receiving And Considering The Community Advisory Board's Recommendations Regarding Appropriation Of The General Fund Revenues, And 3) Providing That The Tax Revenues Shall Be Held In The Subfund Until Completion Of This Appropriation Process

[18-0038](#)

Attachments: [View Report](#)

[View Supplemental Report 2-15-18](#)

[View Supplemental Report 2-15-18](#)

[87062 CMS](#)

There was a title change read into record.

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 2/13/2018

- 4.9** Subject: Avoid Requiring Increased Off-Street Parking For Change Of Use
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Requesting The Oakland Planning Commission To Review The Potential Elimination Of Required Additional Off-Street Parking To Authorize Changed Uses And To Return To Council With Options For Action, To Reduce Or Eliminate The Requirement To Add Additional Off-Street Parking When Changing The Use Off A Pre-Existing Building

[17-0458](#)

Attachments: [View Report](#)

[87059 CMS](#)

Planning and Building staff request that the council office bringing the item forward explain the need for this change.

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 2/13/2018

4.10 Subject: Remove The 4-Person Limit From The The Planning Code
From: Councilmember Kaplan
Recommendation: Adopt A Resolution Requesting The Oakland Planning Commission To Review Removing The 4-Person Limit In Oakland Planning Code Section 17.102.190 - Joint Living And Work Quarters And To Forward Recommendations For Action To The City Council
[17-0459](#)

Attachments: [View Report](#)
[87060 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 2/13/2018

4.11 Subject: OPD 9-1-1 Call Operations Audit Report
From: Office Of The City Auditor
Recommendation: Receive A Presentation From The City Auditor Regarding The Performance Audit Of The City Of Oakland Police Department Communications Division 9-1-1 Call Operations Audit Report
[18-0036](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee

4.12 Subject: Operational Agreement Between City Of Oakland And Alameda County
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Enter Into An Operational Area Agreement With Alameda County To Create An Intermediate Level Of The State Emergency Services Organization That Will Comply With The State Of California Standardized Emergency Management System (SEMS) For The Period From May 10, 2016 Through December 31, 2025
[18-0039](#)

Attachments: [View Report](#)
[87063 CMS](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee

- 4.13** Subject: FY 2016 Federal Emergency Management Agency, Urban Search And Rescue
From: Oakland Fire Department
Recommendation: Adopt A Resoluitiom Amending Resolution 86490 No. C.M.S. Which Authorized The City Administrator, Or Her Designee, Among Other Things, To Enter Into An Agreement To Accept, Appropriate And Administer FY 2016 Urban Search And Rescue (US&R) Grant Funds, To Accept, Appropriate And Administer Supplemental Fiscal Year (FY) 2016 US&R Grant Funds In An Amount Not To Exceed One Hundred Sixteen Thousand Nine Hundred And Eleven Dollars (\$116,911) For A Cumulative FY 2016 US&R Grant Award Allocation In An Amount Not To Exceed One Million Three Hundred And Eighty-Six Thousand Four Hundred And Ninety-Three Dollars (\$1,386,493) And Appropriate Said Funds To The US&R Task Force
[18-0043](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 1/23/2018

- 4.14** Subject: Oakland Unite Year 1 Strategy Report
From: Office Of The City Administrator
Recommendation: Receive An Informational Report Of The First Evaluation By Mathematica Policy Research Of The Oakland Unite Services Funded Through The Safety And Services Act Of 2014 (Measure Z)
[18-0044](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 1/23/2018

- 4.15** Subject: Amending Oakland Municipal Code Chapter 5.81
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.81 To Specify The Process For Determination When An Applicant Requests An Alternate Location
[18-0047](#)

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

Staff request that this item replace item 17-0117, previously scheduled to the January 23, 2018 Public Safety Committee.

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 1/23/2018

4.16 Subject: Resolution in Support Of SB 824 - Wildfire Safety & Recovery Act
From: Councilmember Kalb, Vice Mayor Campbell Washington, And President Pro Tem Guillen
Recommendation: Adopt A Resolution In Support Of Senate Bill 824 (Lara), Which Would: (1) Clarify That Existing Provisions Of California Law That Prohibit Insurance Cancellation During Home Reconstruction Are Applicable To Reconstruction In A County Where A State Of Emergency Has Been Declared; (2) Prohibit Insurance Companies From Not Renewing An Insurance Policy Following A Disaster Such As A Wildfire; (3) Require Approval By The Department Of Insurance Before Insurance Companies Can Reduce The Volume Of Policies In High-Risk Areas; And (4) Require Insurance Companies To Offer Mitigation Discounts And Continued Coverage For Homeowners Who Employ Mitigation Techniques
[18-0046](#)

Attachments: [View Report](#)
[View Supplemental Report 2/1/18](#)
[87050 CMS](#)

President Pro Tem Guillen request to be a co sponsor.

This City Resolution be Scheduled to go before the *Rules & Legislation Committee to be heard 2/8/2018

ITEMS SUBMITTED UPON THE DAIS

Subject: Status Report On Sanitary Sewers
From: Councilmembers Dan Kalb And Vice Mayor Campbell Washington
Recommendation: Receive An Informational Report Summarizing And Attaching 2015, 2016 And 2017 Annual Reports Submitted According To Section 5.3 Of The Asset Management Implementation Plan And Sanitary Sewer Management Plan; And Detailing (1) Compliance With Overflow Protocols Including Public And Outside Agency Notice; (2) Oversight Of Sanitary Sewer Contractor Performance; And (3) Usage Of Fund 3100 As It Relates To Sewers
[18-0048](#)

Attachments: [View Report](#)

Vice Mayor Campbell Washington request to be added as a co sponsor.

This Informational Report be Denied.

Subject: Labor Union Negotiations
From: Councilmember Noel Gallo
Recommendation: Approve A Request To Have Labor Negotiations Item On The Close Session Meeting Of January, 16, 2018
[18-0049](#)

This Informational Report be Denied.

Subject: Second Follow-up Oakland Fire Department Vegetation Inspection Audit
From: Office Of The City Auditor
Recommendation: Receive A Presentation From The City Auditor Regarding The Performance Audit Of The Second Recommendation Follow-up Oakland Fire Department Vegetation Inspection Audit
[18-0160](#)

Attachments: [View Report](#)

Staff requested this item be moved from the January 23, 2018 Public Safety Committee and rescheduled to the February 13, 2018 Public Works and Public Safety Committees of February 13, 2018

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 2/13/2018

- 5 A Review Of The Council Committees' Actions From January 9, 2018 And Determination Of Scheduling To The City Council Meeting Of January 16, 2018
[17-0489](#)

Attachments: [View Report](#)

This Report and Recommendation be Accepted as Amended.

Subject: Ordinance To Enact The Tenant Move Out Agreement Ordinance
From: Office Of The City Attorney, President Pro Tem Guillén And Councilmember Kalb
Recommendation: Adopt An Ordinance Adding A New Article VI To O.M.C. Chapter 8.22 To (1) Regulate Tenant Move Out Agreements And Negotiations, (2) Create Disclosure And Reporting Requirements For Such Agreements And Negotiations, And (3) Provide Remedies For Violations
[17-0415](#)

Attachments: [View Report](#)

[View Supplemental 1-19-2018](#)

[View Supplemental 3-16-2018](#)

[13483 CMS](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/23/2018

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of January 23, 2018 And The Rules And Legislation Committee Of January 25, 2018
[17-0490](#)

Attachments: [View Report](#)

This Report and Recommendation be Accepted as Amended.

CHANGES MADE TO THE JANUARY 23, 2018 PUBLIC WORKS COMMITTEE AGENDA

The Public Works Committee has been cancelled

CHANGES MADE TO THE JANUARY 23, 2018 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AGENDA

Subject: Interim Development Controls For Area Surrounding Proposed Location Of A New Ballpark

From: President Pro Tem Guillén

Recommendation: Adopt An Ordinance As Recommended By The City Planning Commission, Amending The Oakland Planning And Subdivision Codes To Include Special Regulations For Public Notification; Building Demolitions; Building Conversions; And New Development In The Area Defined By Franklin Street To The West; 14th Street, Lake Merritt, And Foothill Boulevard To The North; 14th Avenue To The East; And Interstate 880 To The South; And Make Appropriate California Environmental Quality Act Determinations

[17-0219](#)

Attachments: [View Report](#)

This item was requested to be placed on the pending list with no date specific.

This Ordinance be Rescheduled to go before the *Community & Economic Development Committee

Subject: Establishing The Five-Percent (5%) For Mandela And Job Center Program
From: Councilmembers Brooks, Council President Reid, And At Large Kaplan
Recommendation: Adopt An Ordinance Authorizing The Allocation Of 5% Of The City's Capital Improvement Projects Costs To The Cypress Mandela Training Program And The Citywide Job Centers For Training, Job Readiness, And Job Placement Of City Residents; Establishing A Method For Calculating Cypress Mandela Training Program And Citywide Job Centers Appropriations Of Capital Projects, Establishing A Cypress Mandela Training Program And Citywide Job Centers Project Account; Establishing Method Of Administering Cypress Mandela Training Program And Citywide Job Centers Program; And Establishing General Guidelines For The Administration Of The Cypress Mandela Training Program And Citywide Job Centers Program

[17-0336](#)

Attachments: [View Report](#)

This Ordinance be Rescheduled to go before the *Community & Economic Development Committee to be heard 2/13/2018

CHANGES MADE TO THE JANUARY 23, 2018 LIFE ENRICHMENT COMMITTEE AGENDA

Subject: State Of Commercial Sexual Exploitation of Children Annual Report
From: Vice Mayor Campbell Washington, President Pro -Tem Guillén And Councilmember McElhaney
Recommendation: Receive An Informational Report On The Status Of Commercial Sexual Exploitation Of Children In Oakland From The City Of Oakland CSEC Task Force [17-0323](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 2/13/2018

CHANGES MADE TO THE JANUARY 23, 2018 PUBLIC SAFETY COMMITTEE AGENDA

Subject: Clarifying Locations For Delivery And Expanding Cannabis Manufacturing
From: Councilmember Kaplan
Recommendation: Adopt An Ordinance Amending: 1) Oakland Municipal Code Chapter 5.80 To Clarify Allowed Locations For Delivery Only Medical Cannabis Dispensaries; And 2) Oakland Municipal Code Chapter 5.81 To Allow Cultivation, Distribution, Testing, Transportation, And Manufacturing Of Medical Cannabis Within Specified Commercial Zoning Districts; And Adopting California Environmental Quality Act (CEQA) Exemption Findings [17-0117](#)

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

This item will be replaced by 18-0047

Open Forum (Total Time Available: 15 Minutes)

1 Speaker spoke during open forum.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rule And Legislation Committee adjourned the meeting at 11:40 a.m.

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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.