



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, April 26, 2018

10:45 AM

City Council Chamber, 3rd Floor

***The Oakland City Council Rules And Legislation Committee convened at 10:56 A.M.,
with Council President Pro Tem Guillen presiding as Chairperson.***

Roll Call / Call To Order

Excused 1 - Laurence E. Reid

Present 3 - Lynette McElhaney, Abel J. Guillén, and Annie Campbell Washington

1 Determinations Of Closed Session

[18-0353](#)

Attachments: [View Report](#)

There will be a Closed Session on May 1, 2018 at 3 p.m.

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

Excused: 1 - Reid

Aye: 3 - McElhaney, Guillén, and Campbell Washington

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of April 12, 2018

[18-0354](#)

Attachments: [View Report](#)

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

Excused: 1 - Reid

Aye: 3 - McElhaney, Guillén, and Campbell Washington

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items
[18-0355](#)

Attachments: [View Report](#)
[View Supplemental Report 4-20-2018](#)

The Committee scheduled item #3 under..regarding Measure A... to May 10, 2018 and indicated there will be a title change.

This Report and Recommendation be Accepted as Amended.

Excused: 1 - Reid

Aye: 3 - McElhaney, Guillén, and Campbell Washington

NO VOTE: 0

Subject: Support Of Alameda County Ballot Measure Measure A
From: Vice Mayor Campbell Washington And Councilmember McElhaney
Recommendation: Adopt A Resolution In Support Of Measure A, The Alameda County Ballot Measure For Child Care And Early Education On The June 5, 2018 Ballot To Provide Additional Support For High Quality Child Care And Early Education Services For Low- And Middle-Income Children And Families In Alameda County And To Improve Wages For Child Care Providers And Early Educators Who Provide These Services
[TITLE CHANGE]

[18-0420](#)

Attachments: [View Report](#)
[View Supplemental Report 5-3-18](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/10/2018

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[18-0356](#)

Attachments: [View Report](#)

There were 3 speakers on this item.

This Report and Recommendation be Accepted as Amended.

- 4.1 Subject: Amending The Master Fee Schedule
From: Revenue Management Bureau
Recommendation: Adopt An Ordinance Amending Ordinance No. 13448 C.M.S. (The Fiscal Year 2017-18 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
[18-0448](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 5/8/2018

- 4.2 Subject: Measure To Authorize Council To Amend The Business Tax On Non-Medical Cannabis
From: Councilmember Kalb And Councilmember Kaplan
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The Statewide General Election On November 6, 2018, A Proposed Ordinance (1) Amending Sections 5.04.480 And 5.04.481 To Allow Cannabis Manufacturing Businesses To Make Deductions From Gross Receipts In The Manner Applicable To Manufacturing Businesses Subject To Section 5.04.590; (2) Amending Sections 5.04.480 And 5.04.481, To Allow Cannabis Business To Elect To Remit Business Taxes On A Quarterly Basis; And, (3) Authorizing The City Council To Amend The Business Tax On Non-Medical Cannabis Contained In Oakland Municipal Code Sections 5.04.480 And 5.04.481 In Any Manner That Does Not Increase The Tax Rate; Directing The City Clerk To Fix The Date For Submission Of Arguments, Provide For Notice And Publication In Accordance With The November 6, 2018 Statewide General Election, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 6, 2018 Statewide General Election
[18-0322](#)

Attachments: [View Report](#)

[View Report 5-11-2018](#)

This item is also scheduled to go before the May 24, 2018 Rules And Legislation Committee Agenda.

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 5/22/2018

4.3 Subject: 7th Street West Oakland Transit Village Phase II Streetscape Project
From: Oakland Public Works
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. The Lowest Responsive, Responsible Bidder, In Accordance With Plans And Specifications And Contractor's Bid For The Construction Of 7th Street West Oakland Transit Village (WOTV) Phase II Streetscape (Project No. 1001035) In The Amount Of Three Million Five Hundred Thirty Five Thousand Nine Hundred And Ten Dollars (\$3,535,910.00)

[18-0453](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/8/2018

4.4 Subject: Derby Avenue Parcel DDA And Land Sale
From: Economic & Workforce Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Authorizing The City Administrator Or Designee, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And Pacific West Communities, Inc, Or A Related Entity, On Terms And Conditions Described Herein, For The Sale Of The Derby Avenue Parcel (APN 025-0720-002-01) At The Appraised Fair Market Value Of \$450,000 For The Development Of An Aspire Public Charter School

[18-0452](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

4.5 Subject: Lake Merritt-Uptown Community Benefit District 2018
From: Economic And Workforce Development
Recommendation: Adopt Following Pieces Of Legislation:

1) A Resolution (1) Of Intention To Form The Lake Merritt-Uptown Community Benefit District 2018 ("Lake Merritt-Uptown CBD 2018"); (2) Granting Preliminary Approval Of The Lake Merritt-Uptown CBD 2018 Management Plan; (3) Directing Filing Of The Proposed Lake Merritt-Uptown CBD 2018 Assessment District Boundary Description; (4) Directing Distribution Of A Ballot To All Affected Property Owners Whereby They Can Vote "In Favor Of" Or "Against" The Proposed Lake Merritt-Uptown CBD 2018 And Assessment To Determine Whether A Majority Protest Exists; And (5) Scheduling A Public Hearing For July 17, 2018 ; And
[18-0440](#)

Attachments: [View Report](#)
[View Supplemental Report 5-4-2018](#)

A title change was read into record.

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

2) A Resolution Authorizing The City Administrator (1) To Sign The Ballot In Favor Of The Formation Of The Lake Merritt- Uptown Community Benefit District 2018 ("LCBD 2018"); And (2) To Pay A Cumulative Fiscal Year 2018-2019 Fair Share Assessment In An Approximate Amount Of \$67,795.41 For Seven (7) City-Owned Properties On Which Assessments Are To Be Levied (1731 Franklin APN 008 062300601; 274 19TH St APN 008 063500100; 2025 Broadway APN 008 064900500; Grand Ave APN 008 065500600; 200 Grand Ave APN 010 076800400; 2500 Broadway APN 008 067300100; 1911 Telegraph APN 008 071605800), If The LCBD 2018 Is Established; And
[18-0441](#)

Attachments: [View Supplemental Report 5-4-2018](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

3) An Resolution (1) Authorizing The Agency Administrator To Sign The Ballot In Favor Of The Formation Of The Lake Merritt-Uptown Community Benefit District 2018 ("LCBD 2018"); And (2) To Pay A Fiscal Year 2018-2019 Fair Share Assessment In An Approximate Amount Of \$1,217.84 For One (1) Oakland Redevelopment Successor Agency-Owned Property (490 Thomas L. Berkley Way APN 008 064900900) If The LCBD 2018 Is Established

[18-0443](#)

Attachments: [View Supplemental Report 5-4-2018](#)

This ORSA Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

4.6 Subject: Downtown Oakland Community Benefit District 2018
From: Economic And Workforce Development
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution (1) Of Intention To Form The Downtown Oakland Community Benefit District 2018 ("Downtown Oakland CBD 2018"); (2) Granting Preliminary Approval Of The Downtown Oakland CBD 2018 Management Plan; (3) Directing Filing Of The Proposed Downtown Oakland CBD 2018 Assessment District Boundary Description; (4) Directing Distribution Of A Ballot To All Affected Property Owners Whereby They Can Vote "In Favor Of" Or "Against" The Proposed Downtown Oakland CBD 2018 And Assessment To Determine Whether A Majority Protest Exists; And (5) Scheduling A Public Hearing For July 18, 2018; And

[18-0444](#)

Attachments: [View Report](#)

[View Supplemental Report 5-4-2018](#)

A title change was read into record.

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

2) A Resolution Authorizing The City Administrator (1) To Sign The Ballot In Favor Of The Formation Of The Downtown Oakland Community Benefit District 2018 (“DCBD 2018”); And (2) To Pay A Cumulative Fiscal Year 2018-2019 Fair Share Assessment In An Approximate Amount Of \$188,716.94 For Twelve (12) City-Owned Properties On Which Assessments Are To Be Levied (1327 Broadway APN 002 009704500; 250 Frank H Ogawa Plz APN 003 006500902; City Hall Plz APN 003 006700200; 1 Frank H Ogawa Plz APN 003 006700300; 1414 Clay St (Garage) APN 003 006700400; 150 Frank H Ogawa Plz APN 008 061900801; 524 16th St APN 008 062000903; 540 17th St (Oakland Ice Center) APN 008 064100805; 620 Washington St APN 001 019900100 Clay St APN 002 009800100; 11th St (T 5/6 Development Site) APN 002 009703900; 11th St (T 5/6 Development Site) APN 002 009704000) If The DCBD 2018 Is Established; And

[18-0445](#)

Attachments: [View Supplemental Report 5-4-2018](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

3) A Resolution Authorizing The Agency Administrator To Sign The Ballot In Favor Of The Formation Of The Downtown Oakland Community Benefit District 2018 (“DCBB 2018”); And (2) To Pay A Cumulative Fiscal Year 2018-2019 Fair Share Assessment In An Approximate Amount Of \$2,804.27 For One Oakland Redevelopment Successor Agency-Owned Property (989 Franklin APN 002-010-100-100) On Which Assessments Are To Be Levied If The DCBD 2018 Is Established

[18-0446](#)

Attachments: [View Supplemental Report 5-4-2018](#)

This ORSA Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

4.7 Subject: Amendments To Public Art Fee Ordinance
From: Councilmember McElhaney And President Pro Tempore Guillén
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 15.78 To (A) Authorize The Satisfaction Of The Public Art Requirement Through The Submission And Approval Of Alternative Equivalent Proposals For Installation Of Public Art In State Highway Right-Of-Way Or On Other Public Agency Property And (B) Permit In-Lieu Contributions To Nearby City Owned Arts Facilities To Satisfy The Public Art Requirement For Private Development, And Authorizing The Allocation Of Funds Contributed For Capital Improvements To Capital Improvement Fund Accounts Established By The City Administrator
[NEW TITLE]
[18-0382](#)

Attachments: [View Report](#)
[View Report 4-27-2018](#)
[View McElhaney Supplemental Report 5-4-2018](#)
[View Supplemental Report 5-4-2018](#)

A title change was read into record.

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/8/2018

4.8 Subject: Informational Report on Love Life Implementation
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The Rollout Of The New Welcome To The City Of Oakland Street Signs With The “Love Life” Motto
[18-0439](#)

Attachments: [View Report](#)
[View Supplemental Report 5-11-2018](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 5/8/2018

4.9 Subject: Oakland Police Department Hiring Changes Informational Report And Resolution
From: Councilmember Kaplan
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Informational Report From The Oakland Police Department And The City Administration Regarding Whether The Police Recruiting And Hiring Changes Proposed In Prior Recommendations (See File #15-1214) Have Been Implemented; And
[18-0454](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 6/12/2018

2) A Resolution Directing The Implementation Of Changes To Remedy The Under-Representation Of Women, Oaklanders, And African Americans In The Oakland Police Department; On The June 12, 2018 Public Safety Committee Agenda [18-0455](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 6/12/2018

4.10 Subject: Resolution In Support Of AB 1771 - Regional Housing Needs
From: Councilmember Kalb
Recommendation: Adopt A Resolution In Support Of Assembly Bill 1771 (Bloom) That Would Amend The Council Of Governments Methodology For Distributing Regional Housing Need, Including Requiring Furtherance Of Existing Statutory Goals, Such As Promoting Socioeconomic Equity And Addressing Jobs-Housing Imbalances [18-0449](#)

Attachments: [View Report](#)
[View Supplemental Report 5-11-18](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/10/2018

4.11 Subject: Resolution In Support Of SB 918 - Homeless Youth Act Of 2018
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill 918 (Wiener) That Would Create The Office Of Homeless Youth, Set Its Goals To Prevent And End Youth Homelessness In California, And Establish \$60 Million In Grants Administered By The Office [18-0450](#)

Attachments: [View Report](#)
[View Supplemental Report 5-4-2018](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/10/2018

4.12 Subject: Resolution in Support of SB 1227 - Housing Our Students
From: Councilmember Dan Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill 1227 (Skinner) That Would Establish A 35% Density Bonus For Housing Development Projects Exclusively For Use By Students [18-0451](#)

Attachments: [View Report](#)
[View Supplemental Report 5-11-18](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/10/2018

CHANGES MADE TO THE APRIL 24, 2018 PUBLIC WORKS PENDING LIST

Subject: Major Encroachment Permit At 378 11th Street
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Pravin L. Patel And Sima P. Patel, Husband And Wife As Community Property With Right Of Survivorship, To Allow Portions Of The New Building Above Grade At 378 11th Street To Encroach Into The Public Right-Of-Way On 11th Street, Major Encroachment Permit ENMJ18051
[18-0185](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/8/2018

CHANGES MADE TO THE APRIL 24, 2018 LIFE ENRICHMENT PENDING LIST

Subject: Professional Services Contract For The Department Of Violence Prevention
From: Councilmember McElhaney And Council President Reid
Recommendation: Adopt A Resolution (1) Authorizing The City Administrator Or Her Designee To Execute A Professional Services Agreement With Urban Strategies Council In An Amount Not To Exceed \$300,000 To Coordinate And Facilitate A Robust And Inclusive Community Stakeholder Engagement Process, Including A Community-Based Participatory Research Component, That Will Culminate In A Community Leadership Summit That Will Inform The Planning And Implementation Of Department Of Violence Prevention Strategic Planning And Operations; And (2) Waiving The Competitive Procedures Under The City's Purchasing Ordinance (Oakland Municipal Code Chapter 2.04)

[TITLE CHANGE]

[18-0088](#)

Attachments: [View Report](#)

[View Revised Report 2-8-18](#)

[View Report 4-26-18](#)

A Title change was read into record.

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 5/8/2018

- 5 A Review Of The Council Committees' Actions From April 24, 2018 And Determination Of Scheduling To The City Council Meeting Of May 1, 2018
[18-0357](#)

Attachments: [View Report](#)

This Report and Recommendation be Accepted as Amended.

CHANGES MADE TO THE APRIL 24, 2018 FINANCE AND MANAGEMENT COMMITTEE MATRIX

Subject: PRFRS Investment Portfolio
From: Finance Department
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System's ("PFRS") Investment Portfolio As Of December 31, 2017
[18-0283](#)

Attachments: [View Report](#)

The Committee requested the action reflect a "Received And Filed" motion.

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of May 8, 2018 And The Rules And Legislation Committee Of May 10, 2018
[18-0358](#)

Attachments: [View Report](#)

This Report and Recommendation be Accepted as Amended.

CHANGES MADE TO THE MAY 8, 2018 FINANCE AND MANAGEMENT DRAFT AGENDA

The Special Finance And Management Committee meeting of May 8, 2018 will begin at 9 a.m.

CHANGES MADE TO THE MAY 8, 2018 PUBLIC WORKS DRAFT AGENDA

The Special Public Work Committee meeting of May 8, 2018 will begin at 11 a.m.

Subject: Bay Area Air Quality Management District Report And Resolution On Heavily Impacted Communities
From: Councilmember Kaplan
Recommendation: Adopt The Following Pieces Of Legislation;

- 1) Receive An Informational Report From Councilmember Kaplan On Recent Bay Area Air Quality Management District Board Actions; And
[18-0383](#)

Attachments: [View Report](#)

This Informational Report be Scheduled to go before the *Public Works Committee to be heard 5/22/2018

2) Adopt A Resolution To Urge The Bay Area Air Quality Management District To Include Oakland Communities Most Heavily Impacted By Air Pollution For Prioritization To Get Remedial Efforts To Prevent, Control And Remediate Air Pollution And The Impacts Of Air Pollution

[18-0384](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/22/2018

Subject: Rehabilitation Of Sanitary Sewers
From: Oakland Public Works Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Sub-Basin 83-012 Rebid (Project No. 1000654) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Two Hundred Fifty-One Thousand Seven Hundred Forty-Two Dollars (\$3,251,742.00); And

[18-0401](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/22/2018

2) A Resolution Awarding A Construction Contract To Andes Construction, Inc., The Lowest Responsive, Responsible Bidder, For Sanitary Sewer Rehabilitation Phase III Sub-Basin 56-07 (Project No. 1001039) In Accordance With Plans And Specifications For The Project And With Contractor's Bid In The Amount Of Three Million Seven Hundred One Thousand Five Hundred Fifty-Five Dollars (\$3,701,555.00)

[18-0402](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/22/2018

CHANGES MADE TO THE MAY 10, 2018 RULES AND LEGISLATION DRAFT AGENDA

Subject: Measure To Authorize Council To Amend The Business Tax On Non-Medical Cannabis

From: Councilmember Kalb And Councilmember Kaplan

Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The Statewide General Election On November 6, 2018, A Proposed Ordinance (1) Amending Sections 5.04.480 And 5.04.481 To Allow Cannabis Manufacturing Businesses To Make Deductions From Gross Receipts In The Manner Applicable To Manufacturing Businesses Subject To Section 5.04.590; (2) Amending Sections 5.04.480 And 5.04.481, To Allow Cannabis Business To Elect To Remit Business Taxes On A Quarterly Basis; And, (3) Authorizing The City Council To Amend The Business Tax On Non-Medical Cannabis Contained In Oakland Municipal Code Sections 5.04.480 And 5.04.481 In Any Manner That Does Not Increase The Tax Rate; Directing The City Clerk To Fix The Date For Submission Of Arguments, Provide For Notice And Publication In Accordance With The November 6, 2018 Statewide General Election, And Take Any And All Actions Necessary Under Law To Prepare For And Conduct The November 6, 2018 Statewide General Election

[18-0322](#)

Attachments: [View Report](#)

[View Report 5-11-2018](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/24/2018

7 The item regarding a "Resolution In Support Of SB 822 - Restoring Net Neutrality In California" was moved at the April 19, 2018 Rules And Legislation to the May 3, 2018 Rules And Legislation Committee

Open Forum (Total Time Available: 15 Minutes)

2 speakers spoke on 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 11:40 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.