



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, October 4, 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.

COMMITTEE MEMBERSHIP:

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

1 Determinations Of Closed Session

[18-0916](#)

Attachments: [View Report](#)

There will be a closed session on October 16, 2018 at 3 pm.

There was 1 speaker on this item.

This Report and Recommendation be Accepted.

Absent: 1 - McElhaney

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of September 20, 2018

[18-0917](#)

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

[18-0918](#)

Attachments: [View Report](#)

There were no changes made to the pending list.

There was 1 speaker on this item.

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

[18-0919](#)

Attachments: [View Report](#)

[View Report](#)

- 4.1 Subject: Settlement Agreement - Michaela A. Morales V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michaela A. Morales V. City Of Oakland, Et Al., Alameda County Superior Court Case No. RG15762482, In The Amount Of Ninety-Three Thousand, Seven Hundred Fifty Dollars And No Cents (\$93,750.00) As A Result Of A Trip And Fall Incident On August 7, 2013 (Department Of Transportation - Dangerous Condition)

[18-0975](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

- 4.2 Subject: Ordinance Repealing In Its Entirety Ordinance No. 10342
From: Office Of The City Attorney
Recommendation: Adopt An Ordinance Repealing Ordinance No. 10342 C.M.S. Entitled Loitering About Property Owned By The Housing Authority Of The City (Oakland Municipal Code Title 9, Chapter 9.08, Section 9.08.250), Which Makes It An Infraction To Loiter On Oakland Housing Authority Property Without Lawful Business And Fail To Leave Upon The Request Of A Peace Officer

[18-0978](#)

Attachments: [View Report](#)

Councilmember McElhane request to be added as a coauthor.

This Ordinance be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

4.3 Subject: Claim Of Simone And Micah Koga
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Simone And Micah Koga, In The Amount Of Forty One Thousand Three Hundred Fifty One Dollars And 97/100 Cents (\$41,351.97) (Public Works - Failed Storm Drain)
[18-0976](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

4.4 Subject: Claim Of Martin And Jennifer Clevinger
From: Office Of The City Attorney
Recommendation: Adopt Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Martin And Jennifer Clevinger, In The Amount Of Sixty Seven Thousand Eight Hundred Four Dollars And 49/100 Cents (\$67,804.49) (Public Works - Failed Storm Pipe)
[18-0977](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

4.5 Subject: Resolution Urging Registrar Of Voters Regarding RCV
From: Councilmember Kalb
Recommendation: Adopt A Resolution Urging The Alameda County Registrar Of Voters To Implement Comprehensive Ranked Choice Voting Reporting
[18-0979](#)

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

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 10/25/2018

4.6 Subject: 2018-2019 Winter Shelter Strategy
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Take The Following Actions To Provide Emergency Year-Round And Winter Shelter From October 15, 2018 Through June 30, 2019: 1) Accept Up To \$130,000 From Alameda County And Accept And Appropriate Up To \$30,000 From The City Of Emeryville; And 2) Enter Into A Grant Agreement With The Society Of Saint Vincent De Paul In An Amount Not To Exceed \$210,758 To Operate A Year-Round Emergency Shelter; And 3) Amend The Grant Agreements With St. Mary’s Center To Increase The Grant Amount By An Amount Up To \$30,000, And East Oakland Community Project To Increase The Grant Amount By An Amount Up To \$30,000 To Provide Winter Shelter; And 4) Accept And Appropriate Any Additional Year-Round Or Winter Shelter Funds From Alameda County, The City Of Emeryville, And Private Grants And/Or Donations, And Amend The Grant Agreements Above To Increase The Grant Amounts, Without Returning To Council
[18-0960](#)

Attachments: [View Report](#)

There was a Title Change read into the record.

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

4.7 Subject: Salary Ordinance Amendment For Various Classifications
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. (“Salary Ordinance”) To Add The Full-Time Classifications Of Transportation Planner I, Transportation Planner II, Transportation Planner III, And Police Communications Dispatcher, Senior; To Add The Part-Time Classification Of Head Start/Early Head Start Assistant Instructor, PT; To Add The Permanent Part-Time Equivalent Classification Of Fire Communications Dispatcher, PPT; To Amend The Title Of Open Government Coordinator To Open Government & Legal Services Coordinator; To Amend The Title Of Cook III To Cook, Supervising; To Amend The Title Of Litter/Nuisance Enforcement Officer To Environmental Enforcement Officer; To Amend The Title Of Assistant Director, Public Works Agency To Assistant Director, Public Works; To Amend The Representation Unit Of The Classification Of Budget Administrator, Assistant From U31 To Up1; And To Delete The Title Of Engineer, Transportation Assistant
[18-0968](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 10/23/2018

4.8 Subject: Salary Amendment To Add Assistant Director, Planning & Building
From: Human Resources Management Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Recommending To The Civil Service Board The Exemption Of The Classification Of Assistant Director, Planning And Building From The Operation Of Civil Service And;
[18-0967](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 10/23/2018

2) An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Title Of Assistant Director, Planning And Building
[18-0981](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 10/23/2018

4.9 Subject: Residential Hotel Regulations
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) An Ordinance (1) Amending The Oakland Planning Code To Adopt A New Section 17.153 Regulating The Demolition, Conversion And Rehabilitation Of Residential Hotels And Make Related And Conforming Amendments To Other Planning Code Sections, And (2) Determining That The Actions Authorized By This Ordinance Were Both The Subject Of Adequate Previous Analysis Under The California Environmental Quality Act ("CEQA") And Are Exempt From CEQA Pursuant To CEQA Guidelines Sections 15061(B)(3) And 15183; And
[18-0963](#)

Attachments: [View Report](#)

And As A Public Hearing on the October 30, 2018 Special City Council Agenda

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/23/2018

2) An Ordinance (1) Amending The Oakland Municipal Code To Establish A Citywide Residential Hotel Demolition And Conversion Impact Fee And Make Related And Conforming Amendments, (2) Amending The Master Fee Schedule (Ordinance No. 13497, C.M.S., As Amended) To Include The Residential Hotel Demolition And Conversion Impact Fee, And (3) Determining That The Adoption Of The Residential Hotel Demolition And Conversion Impact Fee Is Exempt From CEQA And That Any Projects Funded By The Fee Revenue Will Be The Subject Of Future CEQA Analysis
[18-0965](#)

Attachments: [View Report](#)

And As A Public Hearing on the October 30, 2018 Special City Council Agenda

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/23/2018

4.10 Subject: Mills Act Contracts
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Nine (9) Mills Act Contracts Between The City Of Oakland And The Properties At 4690 Tompkins Avenue (Estimated \$42,825/Year Property Tax Reduction), 528 28th Street (Estimated \$5,664/Year Property Tax Reduction), 260 Park View Terrace (Estimated \$9,083/Year Property Tax Reduction), 1255 Trestle Glen Road (Estimated \$14,239/Year Property Tax Reduction), 581 Vernon Street (Estimated \$3,075/Year Property Tax Reduction), 5701 International Blvd. (Estimated \$15,835/Year Property Tax Reduction), 677 Longridge Road (Estimated \$9,536/Year Property Tax Reduction), 1419 12th Street (Estimated \$4,432/Year Property Tax Reduction), 2440 10th Avenue (Estimated \$11,690/Year Property Tax Reduction), Pursuant To Ordinance No. 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs
[18-0958](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/23/2018

- 4.11** Subject: Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420
From: Councilmember Gallo
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code, Chapter 5.04, Section 5.04.420, Excluding From The Business Tax On Rental Of Residential Property: (1) Rental Of No More Than Three Bedrooms In An Owner Occupied Residence, Duplex And/Or In-Law Unit; Or (2) Rental Under A Tenant-Based Assistance Program Pursuant To Section 8 Of The U.S. Housing Act Of 1937.; On The October 23, 2018 Community And Economic Development Committee Agenda [18-0973](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/23/2018

DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES AND LEGISLATION COMMITTEE, AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:10 AM

- 4.12** Subject: Education Partnership Committee Dates
From: Councilmember McElhaney
Recommendation: Request To Cancel The Regularly Scheduled Life Enrichment Committees Of 10/23/18, 12/11/18, And In The Next Year Establish The Dates Of 3/12/19, And 6/11/19 As Education Partnership Committee Meetings [18-0971](#)

There was a Title Change to the request.

This Report and Recommendation be Accepted.

- 4.13** Subject: Informational Presentation On Head Start Program
From: Councilmember McElhaney
Recommendation: Receive An Informational Report From The City Administrator On The Head Start Program Including An Overview Of Recent Program Changes, Metrics On Recent Performance And The Vision For Improving The Future Of The Program [18-0969](#)

Attachments: [View Report](#)
[View Supplemental Report 10-18-2018](#)

This Informational Report be Scheduled.to go before the *Education Partnership Committee to be heard 10/23/2018

4.14 Subject: Presentation From OUSD Superintendent
From: Councilmember McElhaney
Recommendation: Receive An Oral Presentation From The Superintendent Of The Oakland Unified School District On Long-Term Strategies To Improve Academic And Financial Performance
[18-0970](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Education Partnership Committee to be heard 10/23/2018

4.15 Subject: Encourage The Development Of Transit-Oriented And Affordable Housing
From: Councilmember Kaplan
Recommendation:

[OLD TITLE]

Adopt An Ordinance To Allow For Increased Housing Units (Raising Height And Density Limits, Reducing Parking Requirements) In Specified Transit-Oriented Locations When Affordable And Workforce Housing Conditions Are Met, To Increase The Transit-Accessible Housing Supply For All Income Levels In Oakland

[NEW TITLE]

Adopt A Resolution Requesting The Planning Commission To Consider Incentives To Encourage Transit-Oriented Housing, Including Affordable Housing, In The City Of Oakland, Such As Allowing Greater Height And Density And Reduced Parking Requirements On Transit Corridors, And To Forward Its Recommendations For Action To The City Council; On The November 13, 2018 Community And Economic Development Committee Agenda

[18-0879](#)

There was a Title Change read into record.

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 2/12/2019

4.16 Subject: Award FY 2018-19 Cultural Funding Grant to Karen Smith
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Karen Smith To Provide Arts And Cultural Services In Oakland During The Fiscal Year 2018-19 In A Total Amount Not To Exceed \$4,999
[18-0966](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/23/2018

4.17 Subject: Services Agreement To Provide After-School Meals At OPYRD And OPL Sites
From: Human Services Department
Recommendation: Adopt A Resolution Waiving The Request For Proposals/Qualifications Requirements, And Authorizing The City Administrator To Allocate Sugar-Sweetened Beverage Distribution Tax Revenues To Enter Into A Professional Services Agreement With Revolution Foods In An Amount Not To Exceed \$517,121 To Provide After-School Meals And Snacks At Oakland Parks, Recreation And Youth Development And Oakland Public Library Sites From November 1,2018 Through June 14, 2019
[18-0962](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/23/2018

4.18 Subject: OFCY FY 2019-2022 Strategic Investment Plan
From: Human Services Department
Recommendation: Adopt A Resolution Approving The 2019-2022 Strategic Investment Plan Of The Oakland Fund For Children And Youth
[18-0961](#)

Attachments: [View Report](#)

[View Report Attachment A](#)

[View Report Attachment B](#)

[View Report Attachment C](#)

[View Report Attachment D](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/23/2018

4.19 Subject: 2018-2019 BACS Grant Agreement
From: Human Services Department
Recommendation: Adopt Resolution: 1) Authorizing The City Administrator To Enter Into A Grant Agreement With Bay Area Community Services (BACS) For An Amount Not To Exceed \$800,000 To Provide An Interim Housing Program For Unsheltered Persons At The City-Owned Property Located At 641 West Grand Avenue For A Term Of November 1, 2018 Through June 30, 2019; And 2) Finding And Determining That The Lease Of The Property At 641 West Grand Avenue To BACS For Less Than Its Fair Market Rental Value Is In The Best Interest Of The City; And 3) Determining That The Actions Authorized By This Resolution Are Exempt From The California Environmental Quality Act (CEQA) Pursuant To CEQA Guidelines Section 15301
[18-0959](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/23/2018

4.20 Subject: The Oakland Sanctuary City Ordinance
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Resolution Numbers 63950, 80584 And 86498 In Order To Strengthen The Sanctuary City Policy Of The City Of Oakland Not To Cooperate With Or Provide Support For Federal Immigration Agencies, Based Upon Resolution 87036
[18-0972](#)

Attachments: [View Revised Report 10-19-2018](#)

This Ordinance be Scheduled.to go before the *Public Safety Committee to be heard 10/23/2018

4.21 Subject: Peralta College Policing Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The Alameda County Sheriff's Office (ACSO) Regarding Law Enforcement Responsibilities On Properties Owned, Operated, Controlled Or Administered By The Peralta Community College District (PCCD) In The City Of Oakland
[18-0964](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 10/23/2018

4.22 Subject: Ceasefire Impact Evaluation
 From: Oakland Police Department
 Recommendation: Receive An Informational Report On The Ceasefire Impact Evaluation; As Soon As Possible On The Public Safety Committee Agenda
[18-0859](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 11/13/2018

4.23 Subject: Resolution Opposing Proposition 6
 From: Councilmember Kaplan
 Recommendation: Adopt A Resolution Of The Oakland City Council In Opposition Of Proposition 6: Voter Approval For Future Gas And Vehicle Taxes And 2017 Tax Repeal Initiative
[18-0949](#)

Attachments: [View Report](#)

Councilmember Kalb and President Pro Tem Guillen request to be added as coauthors.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 10/16/2018

ITEMS SUBMITTED UPON THE DAIS

Subject: Settlement Claim Of Gregory Nuti
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Gregory Nuti, In The Amount Of Forty Four Thousand Nine Hundred Twenty Six Dollars And 00/100 Cents (\$44,926.00) (Public Works - Failed Storm Pipe)
[18-0974](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/16/2018

**CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY OCTOBER 9, 2018
AGENDA**

AT THE CALL OF THE CHAIR THE OCTOBER 9, 2018 PUBLIC SAFETY COMMITTEE HAS BEEN CANCELLED.

Subject: OPD 2018 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution: 1) Authorizing The City Administrator, Or Designee, To Accept And Appropriate Grant Funds In An Amount Not To Exceed Two Hundred Seventeen Thousand And Six Hundred And Seventy-Six Dollars (\$217,676) From The U.S. Department Of Justice, National Institute Of Justice (USDOJ/NIJ) For Implementation Of The Fiscal Year 2018 Forensic Casework Deoxyribonucleic Acid (DNA) Backlog Reduction Grant Program In The Oakland Police Department; 2) Waiving The Advertising And Competitive Bidding Requirements For The Purchase Of DNA Typing Supplies From Three Companies: (1) Promega For Thirty five Thousand Nine Hundred Twenty Dollars (\$35,920), (2) Qiagen For Eleven Thousand Five Hundred Dollars (\$11,500), And (3) Thermofisher For Four Thousand Two Hundred And Forty-Four Dollars (\$4,244); And 3) Thermofisher For One Hundred Forty-Three Thousand Eight Hundred And Sixty-Four Dollars (\$143,864) For A DNA Typing Instrument
[18-0906](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 10/23/2018

Subject: Community Policing Advisory Board 2018 Annual Report
From : Office Of The City Administrator
Recommendation: Receive An Informational Report From The Community Policing Advisory Board
[18-0403](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 10/23/2018

5 A Review Of The Draft Agendas For The City Council Meeting Of October 16, 2018 And The Rules And Legislation Committee Of October 18, 2018
[18-0920](#)

Attachments: [View Report](#)

There was 1 speaker on this item.

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

Aye: 3 - McElhaney, Guillén, and Reid

Absent: 1 - Campbell Washington

NO VOTE: 0

CHANGES MADE TO THE PENDING LIST AGENDA

Subject: Resolution Setting Forth Oakland's Public Lands Policy Framework
From: Councilmember Guillén And Kaplan
Recommendation: Adopt A Resolution Setting Forth Oakland's Public Lands Policy Framework And Directing Staff To Return To Council With An Ordinance To Codify These Policies. [NEW TITLE]
[18-0522](#)

Attachments: [View Report Guillen And Kaplan Report](#)

[View Report](#)

[View Report Attachments A-G](#)

[View Supplemental Report 6-15-2018](#)

[View Supplemental Report Attachments A - B](#)

[View Supplemental Report 6-22-2018](#)

[View Supplemental Presentation 6-22-2018](#)

[View Supplemental Report 7-13-2018](#)

The Committee withdrew and rescheduled this item to November 27, 2018 and will return with a new title.

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/27/2018

Open Forum (Total Time Available: 15 Minutes)

3 speakers spoke 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 12:02 p.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.**