



City of Oakland

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Oakland, California 94612
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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 3, 2019

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules & Legislation Committee convened at 11:18 P.M. with Councilmember Thao presiding as Chairperson.

Roll Call / Call To Order

Present 4 - Dan Kalb, Rebecca Kaplan, Sheng Thao, and Lynette McElhane

1 Determinations Of Closed Session

[18-2234](#)

Attachments: [View Report](#)

There were 2 speakers on this item

A Special Closed Session is Scheduled for October 15, 2019 beginning at 2:00 P.M.

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhane

NO VOTE: 0

2 Approval Of The Draft Minutes From The Committee Meeting Of September 19, 2019

[18-2235](#)

Attachments: [View Report](#)

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhane

NO VOTE: 0

3 Determination Of Schedule Of Outstanding Committee Items

[18-2236](#)

Attachments: [View Report](#)

There were 2 speakers on this item

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

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

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

[18-2237](#)

Attachments: [View Report](#)

There were 7 speakers on this item

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

- 4.1 Subject: Settlement Agreement - Susan Schacher V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Susan Schacher V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG17886477, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) As A Result Of A Trip And Fall Accident On June 16, 2016 (Department Of Public Works - Dangerous Condition Of Public Property Property)

[18-2305](#)

Attachments: [View Report](#)

[87886 CMS](#)

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/15/2019

4.2 Subject: JPA - Reappointing Commissioner Christin Hill
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As Follows - Reappointing Commissioner Christin Hill To Serve The Term Beginning October 9, 2019 And Ending October 8, 2021; On The November 5, 2019 City Council Agenda
[18-2307](#)

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 10/15/2019

4.3 Subject: JPA - Reappointing Commissioner Reverend Dr. Jacqueline A. Thompson
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland-Alameda County Coliseum Joint Powers Authority Board Of Commissioners As Follows - Reappointing Commissioner Reverend Doctor Jacqueline A. Thompson To Serve The Term Beginning October 8, 2019 And Ending October 7, 2021; On The November 5, 2019 City Council Agenda
[18-2308](#)

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 10/15/2019

4.5 Subject: Salary Ordinance Amendment For Various Classifications
From: Human Resources Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Add The Full-Time Classification Of Fire Inspection Supervisor, To Add The Permanent Part-Time And Part-Time Classification Equivalent Of Special Assistant To The Mayor III, And To Amend The Salary Format For Deputy Chief Of Violence Prevention
[18-2300](#)

Attachments: [View Report](#)

This Ordinance be Scheduled.to go before the *Finance & Management Committee to be heard 10/22/2019

4.6 Subject: Major Encroachment Permit At 5932 Foothill Blvd
From: Transportation Department
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Foothill Boulevard Plaza LLC To Allow Portions Of The New Building Above Grade At 5932 Foothill Boulevard To Encroach Into The Public Right-Of-Way On Foothill Boulevard And 60th Avenue, Major Encroachment Permit ENMJ19061
[18-2299](#)

Attachments: [View Report](#)

This City Resolution be Scheduled to go before the *Public Works Committee to be heard 10/22/2019

4.7 Subject Disposition Of Fire Alarm Building Site
From: Economic And Workforce Development
Recommendation: Adopt One Of The Following Pieces Of Legislation:

1) Resolution Directing The City Administrator To Issue A Request For Proposals That Is Consistent With The State Surplus Land Act And The Competitive Process Set Forth In Chapter 2.42.050 Of The Oakland Municipal Code For The Disposition And Development Of The Fire Alarm Building At 1310 Oak Street; Or, Alternatively
[18-2249](#)

Attachments: [View Report](#)
[View Fortunado Bas Report](#)

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/22/2019

2) Resolution Exercising The Waiver Of Competitive Process Set Forth In Chapter 2.42.050 Of The Oakland Municipal Code And Directing The City Administrator To Issue A Notice Of Offer Pursuant To The State Surplus Land Act For The Disposition And Development Of The Fire Alarm Building At 1310 Oak Street And, If No Other Proposal Is Received, To Commence Negotiations For The Lease And Development Of The Property With The Museum Of Jazz And Art; Or, Alternatively
[18-2250](#)

Attachments: [View Report](#)

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/22/2019

3) A Motion Directing Staff To Include The Fire Alarm Building In The Forthcoming Asset Disposition Plan And To Defer Commencement Of Negotiations For The Property
[18-2309](#)

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/22/2019

4.8 Subject: 2019 Mills Act Contract Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board, Approving Twelve (12) Mills Act Contracts Between The City Of Oakland And The Properties At 418 Jefferson Street, 6028 Broadway Terrace, 6475 Colby Street, 1263 Trestle Glen Road, 619 Mariposa Avenue, 2600 Best Avenue, 678 18th Street, 360 Van Buren Avenue, 1000 Sunnyhills Road, 412 Monte Vista Avenue, 3007 Telegraph Avenue, And 492 Staten Avenue, 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 And Approving Total City Tax Revenue Reduction Estimated To Be Above \$25,000/Year
[18-2296](#)

Attachments: [View Report](#)
[View Report - Color Attachment A](#)

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/22/2019

4.9 Subject: Negotiating Agreement With East Oakland Boxing Association
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Execute An Exclusive Negotiating Agreement With East Oakland Boxing Association For The Development Of The City-Owned Property Located At 816 And 828 98th Avenue
[18-2297](#)

Attachments: [View Report](#)

This City Resolution be Scheduled to go before the *Community & Economic Development Committee to be heard 10/22/2019

4.10 Subject: West Oakland Community Fund Agreement
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A West Oakland Community Fund Restricted Purpose Fund Agreement And Fee Agreement With East Bay Community Foundation (Foundation); Appropriate And Transfer Up To Two Million Four Hundred Thousand Dollars (\$2,400,000) From The West Oakland Community Fund (Community Fund) To The Foundation; And Approve The West Oakland Community Advisory Group As The Fund Advisor To The Foundation; On The October 22, 2019 Community And Economic Development Committee Agenda
[18-2298](#)

This City Resolution be Withdrawn with No New Date.

- 4.11** Subject: Access To Housing For Persons With Criminal History
From: City Attorney Parker, Councilmembers Reid, Bas, And Kalb
Recommendation: Adopt An Ordinance Adding A New Oakland Municipal Code Chapter 8.2 Access To Housing, Article I, Ronald V. Dellums And Simbarashe Sherry Fair Chance Housing Ordinance, Enacting “The Ronald V. Dellums And Simbarashe Sherry Fair Chance And Access To Housing, Public Health And Safety Ordinance” That Precludes The Use Of Criminal Histories In Applications For Rental Housing; On The October 22, 2019 Committee Community And Economic Development Committee Agenda
[18-2301](#)

This Ordinance be No Action Taken.

- 4.12** Subject: PATH Plan
From: Human Services Department
Recommendation: Receive An Informational Report On The City’s Updated Five Year Plan To Address Homelessness In Oakland (PATH Plan)
[18-2223](#)

Attachments: [View Report](#)
[View Supplemental Report 10/18/2019](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

- 4.13** Subject: AC-OCAP State EITC Grant Report And Resolution
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing: 1. Acceptance And Appropriation Of A \$176,000 Grant, And Any Additional Funds, Including For And Through A Second Grant Year To June 30, 2021, From The California Department Of Community Services And Development (CSD), To Implement The California Earned Income Tax Credit (CalEITC) Free Tax Preparation Assistance Program (Program); And 2. The City Administrator, Or Designee, Without Returning To Council, To: A. Award And Execute Grant Agreements With Service Providers To Implement The CalEITC Program Through June 30, 2020; And B. Amend Said Agreements To Increase The Amounts And/Or Duration Through June 30, 2021
[18-2295](#)

Attachments: [View Report](#)

The Committee accented a title change read into record

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

- 4.14** Subject: Homelessness Solutions Update
From: Council President Kaplan
Recommendation: Approve A Report And Recommendation From The City Administrator On The Status Of Implementation Of Homelessness Solutions Approved By The City Council In Resolution No. 87129 C.M.S. "Encouraging The Private Development Of Expanded Housing Options, Including For Non-Profits, Faith-Based Organizations, Private Property Owners, And Service Providers Working On Private Land, To Provide Housing And Sanitary Facilities For The Homeless Through Strategies Including 'Small Homes,' Shipping Container Conversion Homes, Recreational Vehicles, Unattached Trailers, Restroom Structures, And Other Options To Provide Dignity, Privacy," Including Identifying Available Public Land For These Efforts, Along With Opportunity For The Committee To Make Recommendations, On Status Of Implementing Each Item And To Include In The Report To Council A Copy Of Communications With The County And OUSD Requesting Their Public Lands/Buildings And Response; On The November 12, 2019 Life Enrichment Committee Agenda
[18-2304](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 11/12/2019

- 4.15** Subject: Updates On The Department Of Violence Prevention Activities
From: Councilmember McElhaney
Recommendation: Receive An Informational Report Providing An Update On The Department of Violence Prevention Established By Ordinance Number 13451 C.M.S. To End The Epidemic Of Violent Crime In Oakland And Healing Trauma In Impacted Communities
[18-2306](#)

Attachments: [View Report](#)

The Committee accepted this item be a standing item in the Life Enrichment Committee

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 10/22/2019

4.16 Subject: Request An Informatonal Report On Bond Street
From: Councilmember Gallo
Recommendation: Receive An Informatonal Report From The City Administrator Regarding The Status Of Any Plans To Close The Homeless Encampment On The 4200-4300 Block Of Bond Street, Behind Oakland Charter Academy, And An Opportunity To Hear From The Public Regarding The Status Of The Encampment
[18-2302](#)

Attachments: [View Report](#)

Councilmember McElhaneey made a motion seconded by Councilmember President Kaplan to approve the urgency finding on item 4.16 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action

(1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 10/8/2019

4.17 Subject: League Of California Cities Travel Authorization
From: Councilmember Kalb
Recommendation: Adopt A Resolution Authorizing Councilmember Dan Kalb's To Travel To Long Beach, California For Attendance At The League Of California Cities From October 16, 2019 Through October 18, 2019 And Reimbursement Of Approximately \$1,750.00 In Travel Costs From The Council Contingency Fund For Travel
[18-2310](#)

Attachments: [View Report](#)

[87888 CMS](#)

To be heard as a Consent item

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/15/2019

4.18 Subject: OPD Investigative Capacity Annual Report
From: Councilmember Kalb
Recommendation: Receive An Informational Report And Recommendations From The Oakland Police Department Regarding The State Of The Department's Investigative Capacity, Including, But Not Limited To, Staffing Levels And Resources, Percentage Of Serious Crimes Investigated, And Crime Lab Issues; On The November 12, 2019 Public Safety Committee Agenda
[18-2311](#)

The Committee accepted a title change read into record

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 1/14/2020

CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY

CHANGES MADE TO THE OCTOBER 8, 2019 PUBLIC SAFETY COMMITTEE AGENDA

Subject: Emergency Closure Of Bond Street Encampment
From: Councilmember Gallo
Recommendation: Resolution Requesting The City Administrator, Or Designee, To Close The Encampment On 4200-4300 Block Of Bond Street Behind Oakland Charter Academy, Residents Homes And Surrounding Businesses Due To Serious And Continual Criminal Activity, Illegal Dumping, Health And Fire Hazards That Violates California's Penal Code Section 626 And The Safe Routes To Schools Assessment From Alameda County
[18-2221](#)

Attachments: [View Report](#)

This City Resolution be Withdrawn with No New Date.

- 5** A Review Of The Draft Agendas For The City Council Meeting Of October 15, 2019 And The Rules And Legislation Committee Of October 17, 2019
[18-2238](#)

Attachments: [View Report](#)

There was no 1 speaker on this item

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

CHANGES TO THE OCTOBER 15, AND OCTOBER 17, 2019 DRAFT AGENDAS

CHANGES TO THE OCTOBER 15, 2019 CITY COUNCIL AGENDA

Subject: City Port Liaison Committee Appointments
 From: Council President Kaplan
 Recommendation: Adopt A Resolution Amending Resolution No. 87490 C.M.S., Which Confirmed The City Council President’s Appointments Of The Members And Chairpersons Of The Committees Of The City Council Pursuant To The Council’s Rules Of Procedure (Resolution No. 87044 C.M.S.), To Confirm The City Council President’s Appointment Of The Members Of The City Port Liaison Committee
[18-2275](#)

This City Resolution be Withdrawn with No New Date.

6 Subject: Ballot Measure Informational Update And Council Resolution For Next Steps
 From: Council President Kaplan
 Recommendation: Receive An Informational Report From The Administration On The Status Of Development Of Ballot Measures For The 2020 Ballot, Including; All Polling Questions And Results For Polls Already Conducted, A Schedule Of Planned Next Steps, And A Financial Report Showing Funding Amounts Allocated To Polling And Consultants, Including The Total Amount That Has Been Expended Or Allocated, Amounts Remaining, And The Process For Selecting The Consultant And Pollster
[18-2226](#)

Attachments: [View Report](#)

There were 10 speakers on this item

Councilmember McElhaney made a motion seconded by Council President Kaplan to approve the urgency finding on item 4.16 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action

(1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting

The Committee approved to schedule this item to be heard October 8, 2019 at Public Works and Life Enrichment Committee

A motion was made that this matter be Scheduled to go before the *Public Works Committee, to be heard 10/8/2019. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

2) A Resolution Requesting That The City Administrator Prepare A Report, For Consideration No Later Than The November 19, 2019 City Council Meeting, Requesting That The City Council Consider Adopting Legislation To Place Any Revenue Enhancement Measures On The Ballot For The March 2020 Statewide Primary Election That The City Administrator Deems Appropriate And Reasonably Likely To Succeed And, In The Interim, Bring Reports To The City Council On Any Polls Undertaken By The City As Part Of The City Administrator's Efforts To Prepare Potential Measures [18-2227](#)

Attachments: [View Report](#)

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, that this matter be No Action Taken. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

7 Subject: Increased Funding For Undergrounding Of Utility Wires To Prevent Wildfires
From: President Pro Tempore Kalb And Councilmember Thao
Recommendation: Adopt A Resolution In Support Of The League Of California Cities' Resolution To The California Public Utilities Commission (CPUC) Requesting That The CPUC Amend Rule 20A To Allow For The Addition Of Projects In Very High Fire Hazard Severity Zones To The List Of Eligibility Criteria For Utility Wire Undergrounding Projects To Help Prevent Wildfires And To Increase Funding Allocations For Rule 20A Projects [18-2253](#)

Attachments: [View Report](#)

[View Supplemental Report 9/27/2019](#)

[87887 CMS](#)

There was 1 speaker on this item

A motion was made by Dan Kalb, seconded by Rebecca Kaplan, that this matter be Approved the Recommendation of Staff, and Forward to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 10/15/2019. The motion carried by the following vote:

Aye: 4 - Kalb, Kaplan, Thao, and McElhaney

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

There were 4 speakers on open forum

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 2:10 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.**