

City of Oakland

*Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza, Room 201
Oakland, California 94612*



CITY OF OAKLAND

Meeting Agenda - SUPPLEMENTAL

Thursday, January 13, 2022

10:30 AM

Please See The Agenda To Participate In The Meeting

Virtual Tele- Conference Via Zoom

***Rules & Legislation Committee**

Pursuant to the Governor's Executive Order N-29-20, all members of the City Council as well as the City Administrator, City Attorney and City Clerk will join the meeting via phone/video conference and no teleconference locations are required

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP - Channel 10
- To observe the meeting online from the City's Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link: <https://us02web.zoom.us/j/87529531780> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting ID: 875 2953 1780

If asked for a participant ID or code, press #.

COMMENT:

ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING

There are three ways to submit public comments.

- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "*9" to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute your self by pressing *6.

If you have any questions, please email the Agenda Management Unit at cityclerk@oaklandca.gov

- Office of the City Clerk

COMMITTEE MEMBERSHIP:

**Council President Nikki Fortunato Bas, District 2; Councilmember Carroll Fife, District 3; Councilmember Dan Kalb, District 1; Chairperson: President Pro Tempore Sheng Thao, District 4*

Roll Call / Call To Order

1 PUBLIC COMMENT:

COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

- 2 Approval Of The Draft Minutes From The Committee Meeting Of December 9, 2021 And December 16, 2021

[21-0969](#)

Attachments: [View Report - December 9, 2021](#)

[View Report - December 16, 2021](#)

3 New Scheduling Items

- 3.1 Subject: EMC Research, Inc. Professional Services Agreement

From: Finance Department

Recommendation: Adopt A Resolution Waiving The City's Small-Very Small Local Business Enterprise Participation Requirement Pursuant To Ordinance No. 13647 C.M.S., And Authorizing The City Administrator To Negotiate And Award A Professional Services Agreement To EMC Research, Inc. In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000.00) For Polling Services; On The January 18, 2022 City Council Agenda On Consent

[22-0024](#)

- 3.2 Subject: Apply For Homekey Grant Funds

From: Vice Mayor Kaplan

Recommendation: Adopt Resolution Authorizing The City Administrator To Submit An Application To The Department Of Housing And Community Development In Response To The NOFA, Dated September 9, 2021, And To Apply For Homekey Grant Funds In A Total Amount Not To Exceed \$120,000,000 For Capital And Operating Expenditures For The Foothill & Edes/ Clara Senior Housing Homekey Project, In Addition To The Homekey Projects Which Received Authorization In Resolution No. 88950; On The January 18, 2022 City Council Agenda On Non-Consent

[22-0025](#)

- 3.3** Subject: Adding A Sunset Clause To Proof Of Vaccination Ordinance
From: Member Of The Public: Laurel Kadish
Recommendation: Adopt An Ordinance Adding A Sunset Clause To The Emergency Ordinance For Requiring Proof Of Vaccination; On The January 18, 2022 City Council Agenda
[22-0020](#)
- 3.4** Subject: Report Possible Brown Act Violations
From: Member Of The Public: Catherine Baldi
Recommendation: Receive An Investigation Report By The City Attorney's Office On Possible Brown Act Violations By The City Council At The December 21, 2021 Special City Council Meeting At 9:30; As Soon As Possible On Consent
[22-0017](#)
- 3.5** Subject: Agreement Between State Of California And Oakland MACRO Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The State Of California Natural Resource Agency To Accept A Grant Of Ten Million Dollar (\$10,000,000.00) In State Budget Act Of 2021 Funding For The City Of Oakland's (City) Mobile Assistance Community Responders Of Oakland ("MACRO") Program To Allow The City To Provide A Strong Program Of Civilian Crisis Responders; On The February 1, 2022 City Council Agenda On Consent
[22-0012](#)
- 3.6** Subject: Cooperative Agreement With Alameda County Transportation
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into A Cooperative Agreement With Alameda County Transportation Commission (Alameda CTC) To Implement A Rail Road Crossing Safety Improvement At Union Pacific Rail Road (UPRR) Crossing On High Street Under The Federal Railway-Highway Crossings Section 130 Program; On The February 1, 2022 City Council Agenda On Consent
[22-0013](#)

3.7 Subject: OPD 2021 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution:

1) In Advance of Formal Award Authorizing The City Administrator To: 1) Accept And Appropriate Grant Funds In An Amount Not To Exceed Three Hundred Sixty-Seven Thousand Eight Hundred Ninety Eight Dollars (\$367,898) From The U.S. Department Of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) For Implementation Of The FY (Fiscal Year) 2021 DNA Capacity Enhancement For Backlog Reduction Program For The Oakland Police Department (OPD); And

2) Waive The City's Advertising and Competitive Bidding Requirements City Advertising For The Purchases Of DNA Typing Supplies and Equipment From (1) Qiagen For Fifty-Five Thousand Six Hundred Dollars (\$55,600), (2) Promega For One Hundred Seventy Thousand One Hundred Dollars (\$170,100), (3) Thermo Fisher/Life Technologies For Forty-Two Thousand Two Hundred Thirty Dollars (\$42,230), (4) NicheVision For Eighty Thousand Dollars (\$80,000), And (5) Fisher Scientific For Twelve Thousand Eight Hundred Ninety-One Dollars (\$12,891); On The February 1, 2022 City Council Agenda On Consent
[22-0014](#)

3.8 Subject: FY 2020 Assistance To Firefighters Grant (AFG)

From: Oakland Fire Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To:

1) Enter Into An Agreement With The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) To Accept The Fiscal Year 2020 Assistance To Firefighters Grant (AFG) Funds In The Amount Of One Hundred Seventy-Nine Thousand Five Hundred And Eighty-Four Dollars And Seventy-Three Cents (\$179,584.73) For The Project Period Starting June 4, 2021 And Ending June 3, 2023;

2) Appropriate And Administer Said Funds For The Fire Department To Receive Specialized Training In Hazardous Materials Response, Technical Rescue / Heavy Rescue, And Water Rescue;

3) Expend Assistance To Firefighter Funds In Accordance With The City's Purchasing Requirements And Programs/Policies;

4) Allocating Matching Funds In The Amount Of Seventeen Thousand Nine Hundred Fifty-Eight Dollars And Forty-Seven Cents (\$17,958.47);

5) Authorizing A General Purpose Fund Contribution At A Rate Of 13.34% To Cover Disallowed Central Service Overhead (CSO) Charges Estimated At Fifteen Thousand Eight Hundred And Eighty One Dollars (\$15,881); On The February 1, 2022 City Council Agenda On Non-Consent

[22-0015](#)

3.9 Subject: California Department of Justice Sexual Assault Evidence Testing Grant

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Accept and Appropriate Sixty Eight Thousand Eight Hundred Ninety Four Dollars (\$68,894) In Untested Sexual Assault Evidence Testing Grant Program Funds, From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; And 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules; On The February 1, 2022 City Council Agenda On Consent

[22-0016](#)

- 3.10** Subject: Memorandum Of Agreement For 564 Crofton Avenue
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Agreement (MOA) With The City Of Piedmont Establishing That The City Of Oakland Will Process Planning and Building Entitlements For A Category I Accessory Dwelling Unit At 564 Crofton Avenue, A Property Located Within Both Jurisdictions; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; On The February 1, 2022 City Council Agenda On Consent
[22-0018](#)
- 3.11** Subject: Resolution Commemorating Oscar Grant III
From: Councilmember Reid
Recommendation: Adopt A Resolution Commemorating Oscar Grant III And Appointing February 27, 2022 As Oscar Grant Day In The City Of Oakland And Recognizing His Mother Reverend Wanda Johnson For Her Tireless Work In The Community; On The February 1, 2022 City Council Agenda On Consent
[22-0021](#)
- 3.12** Subject: Recognizing National Mentoring Month
From: Councilmember Taylor
Recommendation: Adopt A Resolution Recognizing January 2022 As National Mentoring Month And Uplifting The Critical Role Of Mentors And Encouraging Positive Mentorship Programs In The City Of Oakland To Elevate Oakland Youth To Achieve Their Full Potential; On The February 1, 2022 City Council Agenda On Consent
[22-0027](#)

3.13 Subject: Schedule An Action Plan Regarding Recruitment, Hiring And Retention Plans And Strategies
From: Councilmember Gallo, President Fortunato Bas And Pro Tem Pore Thao
Recommendation: TITLE CHANGE

OLD TITLE

Request To Schedule An Action Plan From The City Administrator And The Oakland Police Chief Regarding Short-Term, Mid-Term And Long-Term Hiring And Retention Plans And Strategies To Recruit Police Officers And Protect The Citizens Of Oakland Prior To Engaging Additional Consultants And Making Financial Commitments

NEW TITLE

Receive An Informational Report With Detailed Recommendations For An Action Plan From The City Administrator And The Oakland Police Chief Regarding Recruitment, Hiring And Retention Plans And Strategies To Recruit Police Officers, As Well As Data On Attrition For The Past Ten Years Including Demographics, Tenure And Specific Reasons For Leaving; Costs Of Academies; And Costs Of Pre-Academies. For Officers Who Cite "Lack Of Confidence In OPD Leadership" Provide Specific Reason For Leaving, Including Discipline By OPD/Chief Or CPRA. All To Protect The Citizens Of Oakland Prior To Engaging Additional Consultants And Making Financial Commitments; On The February 8, 2022 Public Safety Committee Agenda
[21-0949](#)

Legislative History

12/16/21 *Rules & Legislation Scheduled to the *Public Safety Committee
Committee
Council President Fortunato Bas and President Pro Tempore Thao requested to be added as Co-Sponsors and to scheduled this item to the February 8, 2022 Public Safety Committee meeting with a Title Change

3.14 Subject: Density Bonus Ordinance Update
From: Planning And Building Department
Recommendation: Adopt An Ordinance, As Recommended By The Planning Commission, Amending The Oakland Planning Code To Update Chapter 17.107 Density Bonus And Incentive Procedure; On The March 15, 2022 City Council Meeting As A Public Hearing
[21-0739](#)

Attachments: [View Report](#)
[View Legislation And Exhibit A](#)
[View Supplemental Presentation 10/29/2021](#)
[View Supplemental Report 11/22/2021 - Kalb](#)

Legislative History

10/7/21 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Approved as a Public Hearing

11/2/21 * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council * Withdrawn and Rescheduled
Upon the reading of Item 3.4 by the City Clerk, the Public Hearing was opened at 3:46 p.m.

5 individuals spoke on this item.

Councilmember Fife made a motion, seconded by Vice Mayor Kaplan, to close the Public Hearing, And

Rescheduled this item to the Special Community And Economic Development Committee for further review and discussion and then forward to the Planning Commission; And

hearing no objections, the motion passed by 8 Ayes: Fife, Gallo, Kalb, Kaplan, Reid, Taylor, Thao, and Fortunato Bas

11/30/21 *Special Community & Economic Development Committee Approved as Amended the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee forwarded an alternate recommendation to the first Council meeting in January 2022, that includes the following;

DENSITY BONUS Ordinance (proposed amendments) -17.107.045:

- In Section 17.107.045(A), need to specify that 'any other form of rent or price control' explicitly includes California's anti-rent gouging protections under Civil Code § 1947,12 and Oakland's Rent Adjustment Ordinance.*

** Same Square Footage for Demolished Units - All replacement units to replacement demolished units must include the same square footage as the demolished units. (This is an amendment to section 17.107.045(C)(4), to ensure that a developer doesn't demolish a large affordable unit and replace it with a smaller one with the same number of bedrooms.)*

** Presume that Demolished Affordable Units Had Low Income Households- The definition of protected units that developers must replace with affordable housing if they demolish them shall include units occupied by a low-income household in the past five years, where if the income of a household is not known, K shall be rebuttably presumed that a very low-income or extremely low income household occupied the unit. (This is an amendment to section 17.107.04S(CM1) & (CX2).)*

** Tenants Can Opt for Rent-Controlled Units to Replace Demolished Units - The affordable replacement units must be at 30% AMI as well unless the tenant opts to return to a rent-controlled replacement unit at the same rent as a demolished rent-controlled unit. (This is an amendment to section 17.107.045(C).) In Section 17.107.045(D), need top. create a process for ensuring that tenants displaced due to demolition for the purpose of developing new housing have received relocation assistance under the Uniform Relocation Ordinance.*

**Hold the moderate Oakland income rental projects to the same approval standards as moderate income for sales projects;*

**Oakland should allow low income units to qualify not only an income of 80%AMI but also a rent level of 80%AMI*

12/9/21 *Rules & Legislation Committee Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Staff requested that this item be schedule to the first city council meeting February 2022

12/9/21 *Rules & Legislation Committee Rescheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Staff requested to withdraw this item from the December 21, 2021 City Council Agenda and Reschedule to February 1, 2022 City Council Agenda

RECOMMENDATIONS FROM COMMITTEES:

Public Safety Committee:

3.15 Subject: Ghost Gun Ordinance
From: Councilmembers Kalb, Gallo And Vice Mayor Kaplan
Recommendation: Adopt An Ordinance Amending Chapter 9.36 "Weapons" To Require Privately Made Firearms, Commonly Referred To As "Ghost Guns," To Comply With State Law, Prohibit Nonexempt Persons From Possessing, Selling, Offering For Sale, Transferring, Purchasing, Transporting, Receiving Or Manufacturing An Unfinished Firearm Frame Or Receiver That Has Not Been Imprinted With A Serial Number And Prohibiting Nonexempt Persons From Possessing, Manufacturing Or Assembling A Privately Made Firearm That Has Not Been Imprinted With A Serial Number
[21-0922](#)

Attachments: [View Report](#)
 [View Legislation](#)
 [View Notice And Digest](#)

Legislative History

12/9/21	*Rules & Legislation Committee	Scheduled to the *Special Public Safety Committee
12/14/21	*Special Public Safety Committee	Continued to the *Public Safety Committee
12/16/21	*Rules & Legislation Committee	Continued to the *Public Safety Committee

1/11/22 *Public Safety Committee Approved as Amended the Recommendation of Staff, and Forward to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee approved recommendations as amended to include the following revisions to be scheduled to January 18, 2022 City Council Meeting:

To SECTION 9.36.620. Definitions

“Unfinished Frame or Receiver” means a piece of any material that does not constitute the FINISHED frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the frame or receiver of a firearm, rifle, or shotgun, and (1) which may readily be made into a functional frame or receiver through milling, drilling, or other means, OR (2) IS MARKED OR SOLD TO THE PUBLIC TO BECOME OR BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM, ONCE COMPLETED, ASSEMBLED OR CONVERTED.

To SECTION 9.36.660. Penalties and Disposal

Anyone may dispose of Unfinished Frames or Receivers or fully assembled Privately Manufactured Firearms that lack serial numbers by contacting the Oakland Police Department WITHOUT PENALTY within 90 days after the passage of this ordinance.

3.16 Subject: Implementation Of The Council Public Safety Budget Policy Directives
 From: President Fortunato Bas
 Recommendation: Approve A Report And Recommendation Directing The Administrator To Report Back On The Implementation Of The Council Public Safety Budget Policy Directives, Including Status Of Conducting (1) An Analysis Of Calls For Service And Recommendations To Transfer Certain Calls To Alternative Response By April 2022, (2) An Independent Audit Of The Police Department By December 2022, And (3) Analysis Of Restructuring Investigation Units To Improve Solve Rates By Increasing Civilian Staff And Reducing Sworn Staff

[TITLE CHANGE]

[21-0932](#)

Attachments: [View Report](#)

Legislative History

12/7/21 Special Concurrent Meeting Scheduled to the *Public Safety Committee of the Oakland Redevelopment Successor Agency/City Council
President Pro Tempore Thao made a Scheduling Motion, seconded by Vice Mayor Kaplan, to Scheduling this item to the first Public Safety Committee Meeting January 2022

1/11/22 *Public Safety Committee Continued to the *Public Safety Committee
The Committee approved to continue this item to the February 8, 2022 Public Safety committee meeting with a supplement report that includes the following:

- 1) *Calls for Service report*
- 2) *Status update on civilianizing positions*
- 3) *Status update on filling vacancies*
- 4) *Phase 2 of re-imagining public safety*
- 5) *Status report on civilianizing special events*

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings
[21-0970](#)

Attachments:

- [CANCELLED REGULAR COUNCIL MEETING JANUARY 18, 2022](#)
- [Special City Council Agenda January 18, 2022 At 1PM](#)
- [Previously Distributed Rules And Legislation Committee Agenda January 20, 2022](#)
- [Finance And Management Pending List](#)
- [Public Works Pending List](#)
- [Community And Economic Development Pending List](#)
- [Life Enrichment Pending List](#)
- [Education Partnership Pending List](#)
- [Public Safety Pending List](#)
- [Rules And Legislation Pending List](#)
- [Draft Education Partnership Committee Agenda January 24, 2022](#)
- [Draft Special Community And Economic Development Committee January 25, 2022](#)
- [Draft Public Works Committee Agenda January 25, 2022](#)
- [Draft Rules And Legislation Committee Agenda January 27, 2022](#)

5 Determinations Of Closed Session

Open Forum (Total Time Available: 15 Minutes)

Adjournment

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.**