



City of Oakland

Office of the City Clerk
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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, May 9, 2019

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules & Legislation Committee convened at 11:00 a.m. with Councilmember Thao presiding as Chairperson.

Roll Call / Call To Order

Excused 1 - Lynette McElhaney

Present 3 - Dan Kalb, Rebecca Kaplan, and Sheng Thao

1 Determinations Of Closed Session

[18-1699](#)

Attachments: [View Report](#)

There will be a Closed Session held on May 21, 2019 at 3:00 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:

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

2 There Are No Draft Minutes For Approval

[18-1700](#)

3 Determination Of Schedule Of Outstanding Committee Items

[18-1701](#)

Attachments: [View Report](#)

There was 1 speaker on this item

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

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[18-1702](#)

Attachments: [View Report](#)

There were 4 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:

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

4.1 Subject: Settlement Agreement In Chana Trahan 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 Chana Trahan V. City Of Oakland, Et Al., Alameda County Superior Court Case No. HG18918504 In The Amount Of One Hundred Fifty-Four Thousand Dollars And No Cents (\$154,000.00) Arising From A September 25, 2017 Auto Accident Involving An Oakland Police Department Vehicle At The Intersection Of High Street And International Boulevard (Oakland Police Department - Automobile Accident)
[18-1791](#)

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 5/21/2019

4.2 Subject: OPD EBRCSA Member MOU
From: Oakland Police Department
Recommendation: Adopt A Resolution Amending Resolution 87525 And Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The East Bay Regional Communications System Authority Members) Establishing Clear Guidelines For Use Of OPD East Bay Regional Communications System Authority (EBRCSA) Frequencies To Facilitate Interagency Communication
[18-1792](#)

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 5/21/2019

- 4.3** Subject: Settlement Agreement - Dawit Behre 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 Dawit Behre V. City Of Oakland, Et Al, Alameda County Superior Court Case No. RG17881593, In The Amount Of Fifty Thousand Dollars And No Cents (\$50,000.00) As A Result Of An Automobile Collision On December 27, 2016 (Oakland Public Works - Automobile Collision)
[18-1797](#)

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 5/21/2019

- 4.4** Subject: Presentation Of The Council President's FY 2019-21 Budget Amendments
From: Council President Kaplan
Recommendation: Receive A Special Presentation And Report Of The Council President's Proposed Budget Amendments For The Fiscal Year 2019-21 Proposed Policy Budget For The City Of Oakland; On The June 10, 2019 Special Budget City Council Agenda
[18-1793](#)

This City Resolution be Scheduled.to go before the * Special Meeting of the Oakland City Council to be heard 6/10/2019

- 4.5** Subject: Report On Independent Budget And Finance Analysis
From: Council President Kaplan
Recommendation: Receive A Special Presentation And Report By Harvey M. Rose Associates, LLC On Their Independent Budget And Finance Analysis Of The Proposed Fiscal Year 2019-21 Budget For The City Of Oakland; On The June 10, 2019 Special City Council Agenda
[18-1794](#)

This Informational Report be Scheduled.to go before the * Special Meeting of the Oakland City Council to be heard 6/10/2019

4.6 Subject: Courtland Creek Restoration Design And Construction Services
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award And Execute A Professional Services Agreement With FlowWest, LLC For An Amount Not-To-Exceed Four Hundred Thousand Dollars (\$400,000.00) To Complete Initial Design Services (Phase I) For The Courtland Creek Restoration Project, With The Option To Complete Remaining Design, Construction, And Postconstruction Support Services (Phase II) Upon Identification And Receipt Of Additional Funding And Future Council Approval

[18-1795](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/28/2019

4.7 Subject: Pedestrian Lighting And Sidewalk Improvement On International Blvd
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications And Contractor's Bid For The Pedestrian Lighting, Sidewalk Repair And Crosswalk Striping On International Boulevard From 1st Avenue To 5th Avenue, And 22nd Avenue To Fruitvale Avenue Project (Project No. 1004422) Including Base Bid And Bid Alternate For A Total Contract Amount Not-To-Exceed One Million, Two Hundred Thirty-Seven Thousand, Five Hundred Dollars (\$1,237,500.00) As Additional Funds Become Available

[18-1798](#)

Attachments: [View Report](#)

There was a Title Change read into record

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/28/2019

4.8 Subject: On-Call General Environmental Consulting Contracts
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Enter Into Eight Professional Service Agreements With 1) EKI Environment & Water, Inc., 2) Fugro USA Land, Inc., 3) GSI Environmental Inc, 4) Haley & Aldrich, Inc., 5) Northgate Environmental Management, Inc., 6) Terraphase Engineering, 7) TRC Companies, Inc., And 8) Weiss Associates For On-Call General Environmental Consulting Contracts In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each For A Three-Year Period From July 1, 2019 Through June 30, 2022
[18-1801](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/28/2019

4.9 Subject: Civicorps School Contracts
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Three-Year Agreement With The Possibility Of Two (2) One Year Extensions At The City's Option With Civicorps Schools, And Appropriate The Amount Of Three Hundred Thousand Dollars (\$300,000.00) To Assist With Used Oil Recycling Activities, Perform Bicycle Locker And Sign Cleaning, And Provide Interns To Assist The City's Recycling Hotline And Community Outreach, And Waive The Advertising And The Competitive Request For Proposal/Qualification Selection Requirements
[18-1802](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 5/28/2019

4.10 Subject: 2019/20 Consolidated Annual Action Plan
From: Housing And Community Development
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:

1) A Resolution: 1. Authorizing The City Administrator To Prepare And Submit To The U.S. Department Of Housing And Urban Development The Fiscal Year 2019-2020 Consolidated Annual Action Plan; 2. Accepting And Appropriating An Anticipated Award Of U.S. Department Of Housing & Urban Development Grant Funds In The Amount Of \$13,964,586 For Community Development Block Grant, Home Investments Partnership, Emergency Solutions Grant, And Housing Opportunities For Persons With Aids Fiscal Year 2019-2020 Programs; And 3. Appropriating \$850,000 In Revolving Fund Program Income And Any Amounts In Excess Thereof For Housing Rehabilitation Activities; And 4. Authorizing The City Administrator To Negotiate And Execute Grant Agreements For The Fiscal Year 2019-2020 Community Development Block Grant, Home Investments Partnership, Emergency Solutions Grant, And Housing Opportunities For Persons With Aids Programs; And 5. Authorizing The Use Of General Purpose Funds To Pay Central Service Overhead Charges For The Emergency Solutions Grant And Housing Opportunities For Persons With Aids Program; And

[18-1799](#)

Attachments: [View Report](#)

To be heard as a Public Hearing On June 14, 2019 City Council Agenda

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/28/2019

4.11 Subject: Grant Extension For Safe Parking Program
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend The Grant Agreement With WeHOPE To Extend The Grant Term Through April 30, 2020 To Continue The Operation Of A Safe Parking Program For Persons Living In Vehicles

[18-1789](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 5/28/2019

4.12 Subject: Oakland Commission On Aging Annual Report Of 2019
From: Human Services Department
Recommendation: Receive The Oakland Commission On Aging Annual Report For 2019

[18-1787](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Life Enrichment Committee to be heard 5/28/2019

4.13 Subject: Oakland Unite Violence Prevention Funding Recommendations
From: Human Services Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1. Execute Grant Agreements With Non-Profits And Public Agencies To Provide Violence Intervention Services In Accordance With The 2014 Oakland Public Safety And Services Violence Prevention Act For The Period July 1, 2019 To June 30, 2020 In A Total Amount Not To Exceed \$8,605,000, With A One-Year Option To Renew Through June 30, 2021 Pending Council Approval; And 2. Enter Into An Agreement With Alameda County Probation Department To Accept And Appropriate Up To \$100,000 Annually From A Second Chance Act Grant To Pilot A Juvenile Gang Intervention Program From July 1, 2019 To October 31, 2022
[18-1788](#)

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

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 5/28/2019

4.14 Subject: Decriminalizing Entheogenic Plants
From: Councilmember Gallo
Recommendation: Adopt A Resolution Supporting Entheogenic Plant Practices And Declaring That The Investigation And Arrest Of Individuals Involved With The Adult Use Of Entheogenic Plants On The Federal Schedule 1 List Be Amongst The Lowest Priority For The City Of Oakland
[18-1790](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 5/28/2019

4.15 Subject: Disclosure Of Principal Officers And Solicitation Of Contributions
From: Council President Kaplan
Recommendation: Adopt A Ordinance Amending The "Oakland Campaign Reform Act" By Amending Section 3.12.020 And Adding Sections 3.12.116 And 3.12.117 To Require Disclosure Of The Principal Officers Of Non-Candidate Controlled Committees Required To File Campaign Statements In Oakland And Requiring That City Public Servants Also Disclose Solicitation Of Contributions From Any Person Or Entity Contracting Or Proposing To Contract With The City Of Oakland
[18-1796](#)

Attachments: [View Report](#)

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 5/30/2019

4.17 Subject: 2019 Council And Committee Calendar
From: Council President Kaplan
Recommendation: Accept A Report And Recommendation For The City Council To Amend The Proposed 2019 Schedule Of City Council And Council Committee Meetings For July 2019 And An Associated Agenda and Report Distribution Schedule
[18-1800](#)

Attachments: [View Report](#)

A motion was made that this matter be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 5/21/2019. The motion carried by the following vote:

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

4.18 Subject: Susan Jeffries 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 Jeffries And George Fitzgerald V. City Of Oakland, Et Al, U.S. District Court, Northern District Of California, Case No. 18-CV-04498-KAW, In The Amount Of Forty Thousand Dollars And No Cents (\$40,000.00) (Parks And Recreation - American's With Disabilities Act Violation)
[18-1803](#)

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 5/21/2019

CHANGES MADE TO PREVIOUSLY DISTRIBUTED 10- DAY AGENDA

Changes to the Life Enrichment Committee Pending List

Subject: Gwen Jackson Park
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing The Renaming Of Nicol Park To Gwen Jackson Park
[18-1760](#)

Attachments: [View Report](#)

This City Resolution be Rescheduled.to go before the *Rules & Legislation Committee to be heard 5/30/2019

- 5 A Review Of The Draft Agendas For The City Council Meeting Of May 21, 2019 And The Rules And Legislation Committee Of May 23, 2019
[18-1703](#)

Attachments: [View Report](#)

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

Excused: 1 - McElhaneey

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

CHANGES MADE TO MAY 21, 2019 AND THE MAY 23, 2019 DRAFT AGENDAS

Changes made to the May 21, 2019 Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council Draft Agenda

Subject: 0 Mandela Parkway Appeal

From: Planning And Building Department

Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal By Unite Here Local 2850, And Thus Upholding The Oakland City Planning Commission's Approval Of 1) A Major Conditional Use Permit To Construct A Six Story Building Consisting Of 220 Rooms Measuring Approximately 142,813 Square Feet Of Floor Area, 2) A Minor Conditional Use Permit For Transient Habitation (Hotels) And Non-Residential Tandem Parking, 3) A Variance Of The Front Setback And 4) Related California Environmental Quality Act (CEQA) Findings For The Proposed Building Located At 0 Mandela Parkway Oakland Ca. (Project Case No. PLN16394)

[18-1391](#)

Attachments: [View Report](#)

This City Resolution be Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 7/16/2019

6 Subject Support Of AB 362 - Overdose Prevention Programs
From: Mayor Schaaf And Councilmember Bas
Recommendation: Adopt A Resolution In Support Of AB 362 - Overdose Prevention Programs (Eggman) And Request That, In Addition To The City And County Of San Francisco, The Bill Be Amended To Give The City Of Oakland Discretion To Authorize Qualified Entities To Operate Overdose Prevention Programs In The City Of Oakland [18-1713](#)

Attachments: [View Report](#)

A motion was made by Rebecca Kaplan, seconded by Dan Kalb, 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 5/21/2019. The motion carried by the following vote:

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

7 Subject: Supporting AB 646 & ACA 6
From: Councilmember Taylor, Thao And President Pro Tem Kalb
Recommendation: Adopt A Resolution Supporting California State Assembly Bill No. 646 (AB 646), The "Free The Vote Act" And Assembly Constitutional Amendment No. 6 (ACA 6), Authored By Assembly Member Kevin McCarty That Would Restore Voting Rights To Every Person On Parole In California And Urging The State Legislature To Put AB 646 And ACA 6 On California's 2020 Ballot [18-1709](#)

Attachments: [View Report](#)

[View Supplemental Report 5/10/2019](#)

There were 2 speakers on this item

President Pro Tempore Kalb requested to be added as a co-sponsor

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 5/21/2019. The motion carried by the following vote:

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

2 speakers spoke during Open Forum.

Adjournment

There being no further business, and upon the motion duly made, the Rules & Legislation Committee adjourned the meeting at 12:04 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.