



City of Oakland

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

Meeting Minutes - FINAL *Rules & Legislation Committee

*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandca.gov>

Thursday, February 6, 2020

10:45 AM

City Council Chamber, 3rd Floor

***The Oakland City Council Rules and Legislation Committee convened at 11:01 A.M.,
with Councilmember Thao presiding as Chairperson.***

Roll Call / Call To Order

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

1 Determinations Of Closed Session

[20-0089](#)

Attachments: [View Report](#)

There will be a Closed Session held on February 18, 2020 at 2:30 P.M.

There were 2 speakers 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:**

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

NO VOTE: 0

2 NO MINUTES FOR APPROVAL

3 Determination Of Schedule Of Outstanding Committee Items

[20-0090](#)

Attachments: [View Report](#)

There was 1 speaker on this item.

**A motion was made 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)
[20-0091](#)

Attachments: [View Report](#)

There were 4 speakers on this item.

This Report and Recommendation be Accepted as Amended.

4.1 Subject: 2018 FEMA Assistance To Firefighters Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: (1) Enter Into An Agreement With The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) To Accept The Assistance To Firefighters Grant (AFG) Funds In The Amount Of Seventy-Four Thousand Five Hundred Forty-Six Dollars (\$74,546.00) With Matching City Of Oakland Funds In The Amount Of Seven Thousand Four Hundred Fifty Four (\$7,454.00) To Purchase Equipment And Other Necessary Resources For The Project Period Starting September 3, 2019 And Ending September 2, 2020; (2) Appropriate And Administer Said Funds; And (3) Expend AFG Funds In Accordance With The City's Purchasing Requirements And Programs/Policies
[20-0150](#)

Attachments: [View Report](#)

[88063 CMS](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.2 Subject: OPD Overtime Report - 2nd Quarter FY 2019-20
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Oakland Police Department (OPD) On The Use Of Overtime During The Second Quarter Of Fiscal Year (FY) 2019-20.
[20-0153](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.3 Subject: Quarterly Report On Public Safety Overtime (OFD)
From: Oakland Fire Department
Recommendation: Receive An Informational Report From The Oakland Fire Department On The Use Of Overtime During The Second Quarter Of Fiscal Year 2019-20, That Includes Additional Information On Overtime Policy, Use, And Accountability
[20-0154](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.4 Subject: Amendment To The Salary Ordinance 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 Classification Of Ethics Analyst III; To Add The Full-Time Classification Of Sign Shop Coordinator; To Amend The Title Of The Full-Time Classification Of Fire Prevention Bureau Inspector (Civilian) To Fire Inspector; And To Amend The Salary Of The Part-Time Classification Of Senior Aide To Ensure Compliance With The City Of Oakland's Minimum Wage
[20-0166](#)

Attachments: [View Salary Ordinance Report](#)
[View Salary Ordinance](#)
[13590 CMS](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.5 Subject: Fiscal Year 2019-20 Second Quarter Revenue And Expenditure Report
From: Finance Department
Recommendation: Receive An Informational Report On Fiscal Year (FY) 2019-20 Second Quarter Revenue And Expenditure Results And Year-End Summaries For The General Purpose Fund (1010) And Selected Funds
[20-0167](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.6 Subject: Contract Award For Street Light Standards
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Award A Contract To J A Momaney Services, Inc. DBA JAM Services, Inc., A Non-Local Business Enterprise, The Lowest Responsive And Responsible Bidder, To Provide Electrical Equipment, Supplies, Streetlight And Traffic Signal Standards In The Annual Amount Not To Exceed One Million Three Hundred Thirty-Six Thousand Eight Hundred Ninety-Two Dollars And Twenty-Five Cents (\$1,336,892.25) For The Period Of March 01, 2020 To March 31, 2021 In Accord With Request For Quotation No. 175510, Specification No. 20-285-00 And The General Conditions Therefor On File In The Purchasing Section, And With Contractor's Bid [20-0173](#)

- Attachments:** [View Agenda Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Resolution](#)
[View Supplemental Report 2/21/2020](#)
[88064 CMS](#)

This City Resolution be Scheduled.to go before the *Finance & Management Committee to be heard 2/25/2020

4.7 Subject: Broadway Shuttle Operation Agreement
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing. An Agreement With The Alameda-Contra Costa Transit District ("AC Transit") To Continue Operating The City Of Oakland Broadway Shuttle Between July 1, 2020 And June 30, 2022, At An Initial Cost Not To Exceed \$2,367,885, And Authorizing The City Administrator To Increase This Agreement Amount For Expanded Shuttle Hours Or Frequency Of Service Using Any Additional Public And Private Grants And Financial Support Secured Within The Term Of The Agreement [20-0168](#)

- Attachments:** [View Report](#)
[View Report Attach A](#)
[View Report Legislation](#)
[88065 CMS](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 2/25/2020

4.8 Subject: Car Sharing Update And Recommendations
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Authorizing The City Administrator Or Designee To Permanently Extend The Car Sharing Program; And
[20-0169](#)

The committee took no action on the item and request the striking of the word "permanently" from the title.

This City Resolution be No Action Taken.

2) An Ordinance Amending Ordinance No. 13301 C.M.S To Explicitly Include Electric Mopeds As Eligible Vehicles Under The Car Sharing Program; On The February 25, 2020 Public Works Committee Agenda And On The March 3, 2020 City Council Agenda As Public Hearing
[20-0171](#)

The committee took no action on the item and request the striking of the word "permanently" from the title.

This Ordinance be No Action Taken.

4.9 Subject: Construction Service Contract With Beliveau Engineering Contractors, Inc.
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Waive Advertising And Competitive Bidding And Increase The On-Call Construction Service Contract With Beliveau Engineering Contractors, Inc. By An Amount Of Seven Hundred Thirty Thousand Dollars (\$730,000.00) From Two Hundred Fifty Thousand Dollars (\$250,000.00) To A Total Contract Amount Of Nine Hundred Eighty Thousand Dollars (\$980,000.00); And 2) Reallocate Additional Funds Of Six Hundred Thousand Dollars (\$600,000.00) Aggregated From Measure KK Bond Project Funds - Fire Station Roof Replacement (Project No. 1003437) In The Amount Of One Hundred Seventy Thousand Dollars (\$170,000.00) And Fire Station Feasibility Study Project (No. 1003435) In The Amount Of Four Hundred Thirty Thousand Dollars (\$430,000) To The Citywide Fire Stations Aprons And Hardscape Project (No. 1003436) For Construction And Project Contingency
[20-0170](#)

Attachments: [View Report](#) [Agenda Report](#)
[View Report Attachment A](#)
[View Report](#)
[View Report Legislation](#)
[88066 CMS](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 2/25/2020

4.10 Subject: Caltrans Local Roadway Safety Plan Funding Approval
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate A Grant From The California Department Of Transportation (Caltrans), In An Amount Of Seventy Two Thousand Dollars (\$72,000.00) To Develop A Local Roadway Safety Plan; And To Commit A Local Match Of Eight Thousand Dollars (\$8,000.00)
[20-0172](#)

- Attachments:** [View Report Agenda Report](#)
[View Report Attachment A](#)
[View Report Legislation](#)
[View Supplemental Report 2/21/2020](#)
[88067 CMS](#)

This City Resolution be Scheduled.to go before the *Public Works Committee to be heard 2/25/2020

4.11 Subject: Urban Area Security Initiative (UASI) Grant-FY 2019
From: Oakland Fire Department
Recommendation: Adopt A Resolution: (1) Accepting And Appropriating Federal Fiscal Year 2019 Urban Area Security Initiative (FY 2019 UASI) Grant Funds From The City And County Of San Francisco In An Amount Of Up To One Million, Fifty Thousand Dollars (\$1,050,000.00); (2) Approving The FY 2019 UASI Recommended Grant Spending Plan; (3) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The FY 2019 UASI Grant; (4) Authorizing The City Administrator Or Designee To Expend Said Grant Funds In Accordance With The Recommended Spending Plan Provided The City's Hiring And Contracting Requirements And Programs/Policies Are Followed; (5) Accepting And Appropriating Additional FY 2019 UASI Grant Funds In An Amount Not To Exceed Fifty Percent (50%) Of The Original Grant Award; And (6) Authorizing Use Of The General Fund Purpose Fund To Cover The Cost Of Central Service Overhead Charges Affiliated With Said Grant
[20-0151](#)

- Attachments:** [View Report](#)
[88070 CMS](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee

4.12 Subject: Fiscal Year 2018 Urban Area Security Initiative (UASI) Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Amending Resolution No. 87526 C.M.S. By: (1) Accepting And Appropriating Fiscal Year 2018 Urban Area Security Initiative (FY 2018 UASI) Grant Funds In The Amount Of One Hundred Thirty-Three Thousand Dollars (\$133,000) For A Cumulative FY 2018 UASI Grant Award Of One Million One Hundred Eighty-Three Thousand Dollars (\$1,183,000); (2) Authorizing The City Administrator Or Designee To Expend The Additional Grant Funds In Accordance With The FY 2018 UASI Spending Plan To Increase Funding For Equipment And Staffing; And (3) Authorizing Use Of The General Purpose Fund To Cover The Cost Of Central Service Overhead Charges Affiliated With Said Grant.

[20-0164](#)

Attachments: [View Report](#)
[88069 CMS](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 2/25/2020

4.13 Subject: Privacy Advisory Commission Annual Report 2018-19
From: Office Of The City Administrator
Recommendation: Receive The 2018-19 Annual Informational Report From The Privacy Advisory Commission

[20-0152](#)

Attachments: [View Report](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 2/25/2020

4.14 Subject: OPD Bi-Annual Crime Data Report
From: Oakland Police Department
Recommendation: Receive A Bi-Annual Informational Report From The Oakland Police Department (OPD) On Crime Data In The City Of Oakland

[20-0163](#)

Attachments: [View Report](#)
[View Crime Report Attachment A](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 2/25/2020

4.15 Subject: Adoption Of Citywide Privacy Principles
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Establishing As City Policy Seven Privacy Principles To Assist City Departments Develop And Implement Internal Policies That Protect The Privacy Of All Oakland Residents, Visitors, And The Public As Follows: (1) To Design And Use Equitable Privacy Practices; (2) To Limit Collection And Retention Of Personal Information; (3) To Manage Personal Information With Diligence; (4) To Distribute Personal Information With Third Parties Only When Necessary And Consistent With These Principles; (5) To Safeguard Individual Privacy In Public Record Disclosures; (6) To Be Transparent And Open; And (7) To Be Accountable To Oakland Residents, Visitors, And Members Of The Public
[20-0165](#)

Attachments: [View Report](#)
[88071 CMS](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 2/25/2020

4.16 Subject: City Attorney Informational Report
From: Council President Kaplan
Recommendation: Receive An Informational Report From The Office Of The City Attorney, Including The Following Information: 1) When A Member Of A City Commission Has A Complaint Of Misconduct By City Personnel, To Whom Should Such A Complaint Be Submitted? Who Will Investigate Such Allegations? To Whom Will Any Result Be Provided For Resolution? 2) When A Member Of The Public Has A Complaint About Alleged Misconduct By The Mayor And/Or Administrator, What Are The Options For The City Council To Take When We Receive Such A Complaint? By Whom Are Such Complaints To Be Investigated And Responded? What Is The Appropriate Method For A Member Of The Public To Submit Such Complaints And To Whom? 3) Does The City Attorneys Office Have A Responsibility To Admonish Other City Elected Officials When There Is A Concern About Violation Of The City Charter? If This Duty Or Power Of The City Attorney Exists - Does This Apply To All City Officers Or Only Specific Ones? 4) Do City Council Members Have An Attorney-Client Relationship With The City Attorney? 5) What Are The Requirements For The "State Of The City Address" Per The City Charter? What Is The Method For Noticing And Posting For Such A Meeting? What Is The Public Comment Method And Rules? Who Is Responsible For Ensuring Compliance With The Section Of The Charter Requiring The Mayor To Deliver A Specified State Of The City Address? When We Receive Complaints About Non-Compliance With This Section, What Powers And Authorities Does The Council Have To Remedy And Respond? To Whom Should Such Issues Be Referred For Investigation And Potential Remedy?; On The March 26, 2020 Rules And Legislation Committee Agenda [20-0177](#)

This item will be placed on Non Consent.

A motion was made that this matter be Scheduled to go before the *Rules & Legislation Committee, to be heard 3/26/2020. The motion carried by the following vote:

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

NO VOTE: 0

4.17 Subject: Appointment Of Interim City Administrator
From: Office Of The Mayor
Recommendation: Adopt A Resolution (1) Confirming The Mayor's Appointment Of Steven Falk As Interim City Administrator For The Period Commencing On March 12, 2020 And Ending At Midnight On July 10, 2020 Or Such Earlier Date As The Council Confirms Appointment Of A City Administrator Or The Mayor Terminates The Appointment; And (2) Authorizing The Mayor To Execute An Employment Agreement On Behalf Of The City With Mr. Falk
[20-0178](#)

Attachments: [View Report](#)
[88035 CMS](#)

This item will be placed on Non Consent.

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/18/2020

4.18 Subject: Private Eminent Domain
From: Member Of The Public
Recommendation: Adopt A Resolution For Private Eminent Domain; On The March 3, 2020 City Council Agenda
[20-0174](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020

4.19 Subject: Councilmember Loren Taylor NLC Travel Reimbursement
From: Councilmember Taylor
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmember Loren Taylor's Costs Of Approximately \$2,800.00 From The Council Contingency Fund For Travel To Washington, DC For Attendance At The National League Of Cities' Congressional City Conference From March 8-11, 2020
[20-0175](#)

Attachments: [View Report](#)
[88057 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 3/3/2020

4.20 Subject: League Of California Cities Travel Reimbursement
From: Councilmember Gallo
Recommendation: Adopt A Resolution Authorizing Reimbursement For Councilmember Noel Gallo's Costs Of Approximately \$2,887 From The Council Contingency Fund For Travel To Washington, DC For Attendance At The National League Of Cities' Congressional City Conference From March 7-11, 2020
[20-0176](#)

Attachments: [View Report](#)
[88058 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 3/3/2020

CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY AGENDAS

Changes Made To The February 11, 2020 Committee Agenda

Subject: Proposed Alternative Joint Live Work Quarter Provisions
From: Planning And Building Department
Recommendation: Approve A Report and Recommendation 1) Comparing The Proposed Alternative Joint Live Work Quarter (JLWQ) Provisions Submitted To The City Council On November 19, 2019 As "Technical Amendment To Agenda Item 9.1" And The 2019 California Model Building Construction Codes; And 2) Describing Recommendations For Permitting New and Converted JLWQ To Maintain Safety And Code Compliance
[20-0118](#)

Sponsors: Planning & Building Department

Attachments: [View Report](#)

This item was placed on the Pending List No Date Specific.

This Informational Report be Withdrawn with No New Date.

Changes Made To The February 11, 2020 Public Safety Committee Agenda

Subject: Police Commission Oversight
From: The Public Safety Committee
Recommendation: Adopt A Resolution Clarifying The Process For Oversight Of The Police Commission
[18-2538](#)

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

This item was placed on the Pending List No Date Specific.

This City Resolution be Withdrawn with No New Date.

Changes Made To The February 13, 2020 Rules And Legislation Committee Agenda

Subject: Resolution In Support Of AB 1851 (Wicks): Faith-Based Affiliated Housing
From: Council President Kaplan And Councilmember McElhaney
Recommendation: Adopt A Resolution In Support Of AB 1851 (Wicks), Faith-Based Affiliated Housing Development Projects, To Reduce Or Eliminate Any Parking Requirements For Housing Development Projects Built On Religious-Use Parking Lots
[20-0142](#)

Attachments: [View Report](#)
[88050 CMS](#)

This item will be placed on the Non Consent calender.

This City Resolution be * Withdrawn and Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/18/2020

Subject: Housing, Residential Rent And Relocation Board Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointments Of Terrence Williams As A Landlord Member, And Tanaiia Hall As A Tenant Member To The Housing, Residential Rent And Relocation Board
[20-0139](#)

Attachments: [View Report](#)
[88042 CMS](#)

This item will be placed on the Consent calender.

This City Resolution be * Withdrawn and Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/18/2020

Subject: Resolution In Support Of SB 795 (Beall)
From: President Pro Tem Kalb
Recommendation: Adopt A Resolution In Support Of Senate Bill 795 (Beall) That Would Establish The Affordable Housing And Community Development Investment Program In Order To Facilitate Collaboration On State-Approved Redevelopment Plans For Purposes Including Building More Affordable Housing
[20-0079](#)

Attachments: [View Report](#)
[88051 CMS](#)

This item will be placed on the Non Consent calendar.

This City Resolution be * Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/18/2020

- 5** A Review Of The Draft Agendas For The City Council Meeting Of February 18, 2020 And The Rules And Legislation Committee Of February 20, 2020
[20-0092](#)

Attachments: [View Report](#)

There was 1 change to the Draft February 18, 2020 City Council Agenda.

Councilmember McElhaney was excused at 11:55 P.M.

There were 2 speakers on this item.

This Report and Recommendation be Accepted.

Excused: 1 - McElhaney

Aye: 3 - Kalb, Kaplan, and Thao

NO VOTE: 0

Subject: Modifications To Condominium Conversion Ordinance
 From: President Pro Tempore Kalb
 Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 16.36, Condominium Conversions, To: (1) Extend The Conversion Rights Requirement To Two- To Four-Unit Residential Buildings; (2) Require That A Conversion Rights Agreement Be Recorded At Latest 60 Days After The Building Permit For The Generating Residential Building Is Issued; (3) Enhance Tenant Rights And Notice Requirements To Tenants; And (4) Make Other Modifications; And To Direct City Administrator Or Designee To Study Alternative Methods Of (A) Ensuring One-For-One Replacement Of Rental Units In The City As A Result Of Condominium Conversions And (B) Increasing Affordable Home Ownership And Reducing Displacement Of Renters Subject To Conversion; And Adopt CEQA Exemption Findings
 [NEW TITLE]
[18-2106](#)

- Attachments:** [View Report](#)
[View Supplemental Report 1/10/2020](#)
[View Supplemental Legislation 2/7/2020](#)
[13585 CMS](#)
[Proof Of Publicaion 13585 CMS](#)

The committee clarified this item will go for final passage on February 18, 2002.

This Ordinance be Accepted.

6 Subject: Resolution In Support Of SB 795 (Beall)
 From: President Pro Tem Kalb
 Recommendation: Adopt A Resolution In Support Of Senate Bill 795 (Beall) That Would Establish The Affordable Housing And Community Development Investment Program In Order To Facilitate Collaboration On State-Approved Redevelopment Plans For Purposes Including Building More Affordable Housing
[20-0079](#)

- Attachments:** [View Report](#)
[88051 CMS](#)

A motion was made that this matter be * Withdrawn and Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 2/18/2020. The motion carried by the following vote:

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

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 Oakland City Council Rules And Legislation Committee adjourned the meeting at 12:21 p.m.

Americans With Disabilities Act

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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.**