



# 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 - DRAFT

### \*Rules & Legislation Committee

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

City of Oakland Website: <http://www.oaklandnet.com>

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Thursday, October 24, 2019

10:45 AM

City Council Chamber, 3rd Floor

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The Oakland City Council Rules & Legislation Committee convened at \_\_, 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

18-2316

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

*A Special Closed Session is Scheduled for October 29, 2019 beginning at 10:00 a.m.*

*There was 1 speaker 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

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of September 26, 2019 And October 3, 2019

18-2317

**Attachments:** [View Report 9/26/2019](#)

[View Supplemental Report 10/3/2019](#)

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

3 Determination Of Schedule Of Outstanding Committee Items  
18-2318

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

*There were 2 speakers 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)  
18-2319

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

*There were 6 speakers on this item*

A motion was made by Rebecca Kaplan, seconded by Lynette McElhaney, 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: Eliminate Obsolete Requirements For The City's Official Newspaper  
From: President Kaplan  
Recommendation: Resolution On The City Council's Own Motion Submitting To The Voters At The March 3, 2020 Special Municipal Election, An Amendment To City Charter Article Xii, Section 1205, To Eliminate Obsolete Requirements For Designating The City's Official Newspaper And Requiring That The Council Establish By Ordinance Requirements For Designating The City's Official Newspaper Or Newspapers, And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election  
18-2349

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

*The Committee accepted a Title Change read into record*

This City Resolution be Scheduled to go before the \*Special Rules and Legislation Committee to be heard 10/31/2019

**4.2** Subject: Parcel Tax For Parks Maintenance And To Address Homelessness  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The March 3, 2020 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Maintain And Improve City Of Oakland Parks And Recreational Facilities, Provide Services To Unhoused/ Unsheltered Persons, And To Provide, Maintain, And Improve Other Municipal Services As The City Council May Deem Appropriate; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The March 3, 2020 Statewide General Election  
**18-2332**

**Attachments:** [View Report 10/29/2019](#)  
[View Kalb Report 10/28/2019](#)  
[View Supplemental Request From Rules 10.31.2019](#)

**This City Resolution be Scheduled to go before the \*Special Rules and Legislation Committee to be heard 10/31/2019**

**4.3** Subject: Rescind The Action Item Of December 14, 2018  
From: Member Of The Public: Gene Hazzard  
Recommendation: Rescind The Action Item Of December 14, 2018 Where Members Of The Oakland City Council Voted Approving "The Children's Initiative Of 2018" AKA Measure AA Which Appeared On The November 6, 2018 General Election Ballot. The Measure Was A \$198.00 Parcel Tax Measure Where The Certified Election Results Of The Alameda County Registrar Of Voters Said The Measure Failed Because It Did Not Receive The Supermajority Or 2/3 Voter Approval For Passage. The Council 's Action On December 14, 2018 Was Contrary To The Certified Election Results, Therefore The Error Must Be Corrected; As Soon As Possible On The City Council Agenda  
**18-2336**

***The Committee Took No Action On This Item***

**This Report and Recommendation be Accepted.**

- 4.4** 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  
18-2307

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

[View Supplemental Report 10/25/2019](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.5** 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  
18-2308

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

[View Supplemental Report 10/25/2019](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.6** Subject: Settlement Agreement - Lamesha Smith, Et Al. 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 Lamesha Smith, Et Al., V. City Of Oakland, Et Al, United States District Court Case No. 18-Cv-06224, City Attorney's File No. 32640, In The Amount Of Two Hundred And Fifty Thousand Dollars And No Cents (\$250,000.00) (Oakland Police Department - Excessive Force/Failure To Train)  
18-2337

**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 11/5/2019**

**4.7** Subject: Appeal Of The Planning Commissions Decision On 101 E. 12th Street  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Three Options:

1) A Resolution Denying The Appeal By Dunya Alwan, Ryder Diaz, And The East 12th Coalition Through R. Michael Flynn (PLN19215-A01) And Upholding The Planning Commission's Decision To Approve The Major Conditional Use Permit, Minor Variance, Regular Design Review Permit And Environmental Determination To Construct Two Residential Buildings With A Ground Floor Commercial Use At 101 East 12th Street; Or 18-2353

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 11/5/2019**

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or 18-2354

**This Report and Recommendation be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

3) A Motion to Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal; On The November 5, 2019 City Council Agenda As A Public Hearing 18-2355

**This Report and Recommendation be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.8** Subject: 12th Street Remainder Second DDA Amendment  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance To Authorize A Second Amendment To The Disposition And Development Agreement Between The City Of Oakland And, Lakehouse Commons, LLC And Lakehouse Commons Affordable Housing, LP, To (1) Extend The Outside Date (Retroactively, If Necessary) And Related Performance Deadlines In Exchange For Monthly Payment Of An Additional Deposit And An Extension Fee, (2) Require Reappraisal Of The Property And Renegotiation Of The Purchase Price, (3) Replace The Project Labor Agreement Requirement With An Alternative Requirement, And (4) Remove The Option For City Financing Of 50 Percent Of The Purchase Price Attributable To The Market Rate Project  
18-2352

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

***As A Non-Consent Item***

**This Ordinance be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.9** Subject: National League Of Cities Travel Authorization  
From: Councilmember Taylor  
Recommendation: Adopt A Resolution Authorizing Councilmember Loren Taylor's Travel To San Antonio, Texas For Attendance At The National League Of Cities Conference From November 20-23, 2019 And Reimbursement Of Approximately \$2,519.00 In Travel Costs From The Council Contingency Fund  
18-2356

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.10** Subject: League Of California Cities Travel Authorization And Reimbursement  
From: Councilmember Gallo  
Recommendation: Adopt A Resolution Authorizing The Travel And Reimbursement Of Councilmember Noel Gallo's Travel To Long Beach, California For Attendance At The League Of California Cities Conference From October 16, 2019 Through October 19, 2019 In The Amount Of \$1927.07 In Travel Costs From The Council Contingency Fund For Travel  
18-2369

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.11** Subject: Recognizing November 2019 As “Native American Heritage Month”  
From: Councilmember Gallo  
Recommendation: Adopt A Resolution Recognizing November 2019 As Native American Heritage Month In The City Of Oakland To Honor And Celebrate The Culture, Traditions, And Contributions Of Native American Communities  
18-2357

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

***As A Ceremonial 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 11/5/2019**

- 4.12** Subject: Appeal Of The Planning Commissions Decision On 1630 10th Street  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Pieces Of Legislation;

1) A Resolution Denying The Appeal By The Concerned Prescott Parents Committee (PLN18388-A01) And Upholding The Planning Commission’s Decision To Approve A Minor Conditional Use Permit And Environmental Determination To Establish A Health Care Civic Activity At 1630 10th Street (PLN18388); Or  
18-2386

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

***As A Public Hearing***

***The Committee accepted a Title Change read into 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 11/5/2019**

- 4.13** Subject: State Of The City  
From: Office Of The Mayor  
Recommendation: Receive An Oral Update From Mayor Libby Schaaf Regarding State of The City  
18-2384

**This Informational Report be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.14** Subject: IFPTE Local 21 MOU  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And IFPTE Local 21 Covering The Period Of July 1,2019 Through June 30,2021, (Pending Ratification Vote Of The Union)  
18-2389

*The Committee noted that Council President Kaplans name will be stricken as the "From" and replaced with Office Of The City Administrator*

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.15** Subject: IFPTE Local 21 Salary Ordinance Amendments  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Wage Increases To Represented Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And IFPTE Local 21 (Pending Ratification Vote Of The Union)  
18-2390

*The Committee noted that Council President Kaplans name will be stricken as the "From" and replaced with Office Of The City Administrator*

**This Ordinance be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.16** Subject: SEIU Local 1021 MOU  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution Approving Memorandum Of Understanding Between The City Of Oakland And The Service Employees International Union (SEIU), Local 1021, Covering The Period Of July 1,2019 Through June 30,2021, (Pending Ratification Vote Of The Union)  
18-2391

*The Committee noted that Council President Kaplans name will be stricken as the "From" and replaced with Office Of The City Administrator*

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**



- 4.17** Subject: SEIU Local 1021 Ordinance Amendments  
From: Office Of The City Administrator  
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Provide Wage Increases To Represented Employees Pursuant To The Memorandum Of Understanding Between The City Of Oakland And The Service Employees International Union, Local 1021, (Pending Ratification Vote of the Union)  
18-2392

*The Committee noted that Council President Kaplans name will be stricken as the "From" and replaced with Office Of The City Administrator*

**This Ordinance be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

- 4.18** Subject: City Attorney's Annual Report  
From: Office Of The City Attorney  
Recommendation: TITLE CHNAGE

[OLD TITLE]

Receive An Informational Report From The City Attorney Regarding Advisory And Litigation Costs And Trends

[NEW TITLE]

Receive Informational Report On City Attorney's Annual Report, Including But Not Limited To Financial And Litigation Trends For The Past Five Years As Well As Advisory Work, Affirmative Litigation Ans Special Initiatives By The Office Of The City Attorney" On The February 25, 2020 Finance And Management Committee Agenda  
18-2129

**Attachments:** NO WRITTEN MATERIAL WAS SUBMITTED

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

- 4.19** Subject: Major Encroachment Permit At 1919 Market Street  
From: Transportation Department  
Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To CC1919 Market, L.P., To Allow Portions Of The Existing Building Above Grade And New Canopies At 1919 Market Street To Encroach Into The Public Right-Of-Way On Market Street And Myrtle Street, Major Encroachment Permit ENMJ19191  
18-2368

**Attachments:** View Report

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 11/12/2019**

- 4.20** Subject: Sewer Asset Compliance Report  
From: Oakland Public Works Department  
Recommendation: Receive The Annual Informational Report On The Status Of The City's Compliance With The Federal Sewer Consent Decree (CD) Requirements  
18-1358

**This Informational Report be Scheduled.to go before the \*Public Works Committee to be heard 12/3/2019**

- 4.21** Subject: Predevelopment Loan Authorization For 1707 Wood Street  
From: Housing And Community Development Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Or Her Designee To Enter Into Two Unsecured Predevelopment Loans Not To Exceed A Combined Total Amount Of \$650,000 From The Affordable Housing Trust Fund (Fund 1870); One Loan To MidPen Housing Corporation And One Loan To Habitat For Humanity East Bay/Silicon Valley, Inc. To Support The Development Of Affordable Housing At The City-Owned Property Located At 1707 Wood Street Between 18th And 20th Streets; And Making California Environmental Quality Act Findings For this Action  
**18-2383**

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.22** Subject: Federal Opportunity Zone Designation Updates  
From: Economic And Workforce Development Department  
Recommendation: Receive An Informational Report On Opportunity Zone Designation Updates And Policy Recommendations  
**18-2376**

**This Informational Report be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.23** Subject: Updating The Oakland Building Maintenance Code To Conform With State Law  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance (1) Repealing Ordinance No. 13407 Which Amended Oakland Municipal Code 15.08 (Oakland Building Maintenance Code) To Conform To The 2016 California Building Standards Code, And (2) Amending Oakland Municipal Code 15.08 To Conform To The 2019 California Building Standards Code  
**18-2373**

***The Committee accepted a Title Change read into record***

**This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

**4.24** Subject: Local Amendments To 2019 California Model Building Construction Code  
From: Planning And Building Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Findings Supporting Local Amendments To The 2019 Edition Of The California Building Standards Code To Comply With Changes To State Law And Adopting CEQA Exemption Findings; And

**18-2374**

*This item was scheduled to be heard November 19, 2019 as a Public Hearing*

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

2) An Ordinance (1) Repealing The Oakland Amendments To The 2016 Edition Of The California Building Standards Code, (2) Adopting Local Amendments To The 2019 Edition Of The California Building Standards Code, (3) Amending Oakland Municipal Code Chapter 15.04 To Comply With Changes To State Law And Adopting CEQA Exemption Findings

**18-2375**

*This item was scheduled to be heard November 19, 2019 as a Public Hearing*

**This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

**4.25** Subject: Montclair BID Annual Report And Intention To Levy FY 2020-2021 Assessment  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: 1) Approving The Annual Report Of The Montclair Business Improvement District Advisory Board; 2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year (FY) 2020-2021 For The Montclair Business Improvement District; And 3) Scheduling A Public Hearing For December 10, 2019

**18-2370**

*This item was scheduled to be heard December 10, 2019 as a Public Hearing*

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.26** Subject: Rockridge BID Annual Report And Intention To Levy FY 20-21  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: 1) Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board; 2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year (FY) 2020-2021 For The Rockridge Business Improvement District; And 3) Scheduling A Public Hearing For December 10, 2019  
**18-2371**

*This item was scheduled to be heard December 10, 2019 as a Public Hearing*

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.27** Subject: Amendments To OMC 15.24 Earthquake Damaged Structures  
From: Planning And Building Department  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code, Chapter 15.24, Entitled Earthquake Damaged Structures, Delegating To The City Administrator or Designee The Authority To Establish An Administrative Regulatory Program For Abatement And Upgrade Of Earthquake Damaged Structures, Which Program May Be Updated As Needed In Response To Changes In Laws, Codes, Or Local Circumstances  
**18-2372**

*This item was scheduled to be heard November 19, 2019 as a Public Hearing*

**This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.28** Subject: Affordable Housing Impact Fees  
From: Council President Kaplan  
Recommendation: Adopt A Resolution Requesting The City Administrator Or Designee To Include Affordable Housing Impact Fee Funds Received Up To And During This Fiscal Year, In The Proposed Funding Distribution Recommendations For The Current Notice Of Funds Availability (NOFA)  
18-2212

Attachments: [View Report](#)

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.29** Subject: Affordable Housing Impact Fee Ordinance  
From: Council President Kaplan  
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 15.72 To Provide An Incentive For Full Early Payment Of The Affordable Housing Impact Fees Equal To A 5% Discount Of The Total Impact Fees Owed And To Add A Provision Enabling Those Who Have Already Paid The First Installment To Also Receive A 5% Discount, And Amending Oakland Municipal Code Chapter 15.62 To Require Additional Information To Be Included In The Annual Impact Fee Report  
[TITLE CHANGE]

**18-2387**

This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019

- 4.30** Subject: State Boating And Waterways Grant  
From: Oakland Parks, Recreation And Youth Development Department  
Recommendation: Adopt A Resolution To: 1) Authorize The City Administrator To Apply For Grant Funds From The State Of California Department Of Parks And Recreation Division Of Boating And Waterways Aquatic Center Grant Program; And 2) Accept And Appropriate Said Funds In The Amount Not To Exceed \$95,000 For The Fiscal Year 2021-2022 Through 2022-2023 Grant Cycle And \$95,000 For The Fiscal Year 2023-2024 Through 2024-2025 Grant Cycle For Funding For Oakland Parks, Recreation & Youth Development Department Boating Program Equipment, Financial Assistance For Boating Program Participants, Staff Training, And Event Support

**18-2378**

Attachments: View Report

This City Resolution be Scheduled.to go before the \*Life Enrichment Committee to be heard 11/12/2019

- 4.31** Subject: National Fish And Wildlife Foundation Grant  
From: Oakland Parks, Recreation And Youth Development Department  
Recommendation: Adopt A Resolution To: 1) Authorize The City Administrator To Apply For Grant Funds From The National Fish And Wildlife Foundation - Cosco Busan Oil Spill Settlement-Recreational Use Grant Program; And 2) Accept And Appropriate Said Funds In An Amount Not To Exceed \$243,000 For Funding For Oakland Parks, Recreation & Youth Development Department Jack London Aquatic Center Launch Dock Replacement Project

**18-2379**

Attachments: View Report

This City Resolution be Scheduled.to go before the \*Life Enrichment Committee to be heard 11/12/2019

- 4.32** Subject: Special Life Enrichment Committee Meeting  
From: Councilmember Taylor  
Recommendation: Request To Schedule A Special Meeting Of The Life Enrichment Committee On December 4, 2019 At 5:00 P.M.  
**18-2358**

**This Report and Recommendation be Accepted.**

- 4.33** Subject: Amendments To The Oakland Fire Code, Chapter 15.12  
From: Oakland Fire Department  
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Oakland Fire Code, Making Findings To Substantiate Modifications To California Building Codes And Standards Due To Local Climatic, Geological Or Topographical Conditions, And Adopting And Making Local Amendments To The 2019 Edition Of The California Model Building Code, California Code Of Regulations Title 24, Part 9, Including, But Not Limited To, National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Recodifying Said Code As The Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code  
**18-2380**

*This item is to be heard November 12, 2019 in Community And Economic Development Committee And Public Safety And as a Public Hearing On the November 19, 2019 City Council Agenda*

**This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 11/12/2019**

- 4.34** Subject: OPD Progress Compliance With The Negotiated Settlement Agreement  
From: Councilmember Gallo  
Recommendation: Receive An Informational Report From OPD On The Progress Of The Oakland Police Department's Compliance With The Negotiated Settlement Agreement (NSA) In The Case Of Delphine Allen V. City Of Oakland, Et Al., USDC Case No. C-00-4599 TEH, Including Staff's Response Timeline, And Recommendations For Achieving Full Compliance; On The November 12, 2019 Public Safety Committee Agenda  
**18-2340**

*The Committee accepted a Title Change read into record*

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 12/3/2019**

- 4.35** Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Grant Funding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator, Or Her Designee To: (A) Enter Into An Agreement With The Federal Emergency Management Agency (FEMA) For Receipt Of 2019 Urban Search And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Thirty-Five Thousand And One Hundred Four Dollars (\$1,235,104) And Supplemental Funding Not To Exceed Fifty Percent (50%) Of Said Amount, For Operational Costs And Equipment Purchase For The Fire Department's US&R Task Force (US&R Task Force); (B) Expend Said Grant Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval; (2) Accepting And Appropriating Said FEMA Grant For US&R Task Force; (3) Waiving The City's Purchasing Requirements For Procurement Of US&R Task Force Equipment When Required By Said Grant; And (4) Authorizing Use Of The General Purpose Fund To Cover The Cost Of Internal Service Fund Charges Affiliated With Said Grant  
**18-2350**

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

***The Committee accepted a Title Change read into record***

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 11/12/2019**

- 4.36** Subject: OPD ShotSpotter Privacy Policy  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Approving The Oakland Police Department (OPD) Gunshot Location Detection System Use Policy And Surveillance Impact Report  
**18-2377**

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

**This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 11/12/2019**

- 4.37** Subject: Citizens Options For Public Safety Grant Fiscal Year 2019  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Accept And Appropriate The Fiscal Year (FY) 2019 State Of California "Citizens Options For Public Safety And Multi-Agency Juvenile Justice Funds" (State Cops Grant XXII) Allocation In The Amount Of Six Hundred Fifty-Six Thousand Seventy Dollars (\$656,070) Plus Accrued Interest Earnings, Of Up To Ten Thousand Dollars For A Total Amount Not To Exceed Six Hundred Sixty-Six Thousand Seventy Dollars (\$666,070), To Fund Helicopter Maintenance And Purchase Equipment, Including Pursuit Management Technology, Security Camera System, Van Alarms, Evidence Lockers, And Technology/Computer Upgrades; And 2) Waive The City's Competitive Advertising And Bidding Requirements To Allow OPD To Enter Into A Contract With Starchase To Purchase Pursuit Management Technology For A Total Amount Not To Exceed One Hundred Seventy Five Thousand Dollars  
**18-2381**

This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 11/12/2019

- 4.38** Subject: Pursuit Mitigation System Privacy Policy  
From: Oakland Police Department  
Recommendation: Adopt A Resolution Approving The Oakland Police Department (OPD) Pursuit Mitigation System Use Policy And Surveillance Impact Report  
**18-2382**

This City Resolution be Scheduled.to go before the \*Public Safety Committee to be heard 11/12/2019

- 4.39** Subject: Informational Report Regarding Police Motor Patrol Operations  
From: Oakland Police Department  
Recommendation: Receive An Informational Report Regarding Police Motor Patrol Operations Related To The Fiscal Year 2019-2020 State Of California, Office Of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP)  
**18-2385**

This Informational Report be Scheduled.to go before the \*Public Safety Committee to be heard 11/12/2019

**CHANGES MADE TO THE PREVIOUSLY Distributed 10 DAY**

**CHANGES MADE TO THE SPECIAL RULES AND LEGISLATION COMMITTEE OF OCTOBER 31, 2019**



Subject: Adopt Police Commission Ballot Measure Revise  
From: Council President Kaplan  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The March 3, 2020 Election A Proposed Amendment To The City Charter, Oakland Municipal Code Section 604, To Enhance The Independence Of The Oakland Police Commission, And Directing The City Clerk To Take Any And All Actions Necessary Under The Law To Prepare For And Conduct An Election  
18-2211

**This City Resolution be Withdrawn with No New Date.**

**CHANGES MADE TO THE PUBLIC WORKS COMMITTEE PENDING LIST**

Subject: Semi-Annual Staffing Report  
From: Human Resources Management Department  
Recommendation: Receive The Semi-Annual Informational Report On Public Works And Transportation Department (DOT) Staffing Through March 25, 2019  
18-2393

**This Informational Report be Scheduled to go before the \*Public Works Committee to be heard 11/12/2019**

Subject: Status Report On Sanitary Sewers  
From: Councilmembers Dan Kalb And Vice Mayor Campbell Washington  
Recommendation: Receive An Informational Report Summarizing And Attaching 2015, 2016 And 2017 Annual Reports Submitted According To Section 5.3 Of The Asset Management Implementation Plan And Sanitary Sewer Management Plan; And Detailing (1) Compliance With Overflow Protocols Including Public And Outside Agency Notice; (2) Oversight Of Sanitary Sewer Contractor Performance; And (3) Usage Of Fund 3100 As It Relates To Sewers  
18-0048

**Attachments:** [View Report](#)  
[View Supplemental Report 6-14-2018](#)

***This Item was previously approved and is to be removed from the pending list***

**This Informational Report be Withdrawn with No New Date.**

- 5 A Review Of The Council Committees' Actions From The Meetings Of October 21, And October 22 2019 And Determination Of Scheduling To The City Council Meeting Of November 5, 2019  
18-2320

**Attachments:** [View Report 10/21/2019](#)

[View Report 10/22/2019](#)

**CHANGES MADE TO THE OCTOBER 21, 2019 SPECIAL EDUCATION PARTNERSHIP MATRIX**

Subject: OFCY Information Report  
From: Councilmember Bas And OUSD Board President Eng  
Recommendation: Receive An Informational Report And Update From The City Administrator And Oakland Unified School District On The Oakland Fund For Children And Youth (OFCY), Including The Strategic Investment Plan, Current Grants, And Afterschool Programs  
18-2277

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

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

**This Informational Report be Scheduled.to go before the Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education to be heard 11/18/2019**

Subject: Oakland Promise Report  
From: Councilmember Taylor And President Pro Tempore Kalb  
Recommendation: Receive An Informational Report On The Goals, Programs, And Outcomes Of The Oakland Promise, Including Budgetary Information  
18-1928

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

[View Supplemental Report](#)

[View Supplemental Report 10/11/2019](#)

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

**This Informational Report be Scheduled.to go before the Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education to be heard 11/18/2019**

Subject: Informational Report From The OUSD 7-11 Committee  
From: Councilmember Bas And OUSD Board President Eng  
Recommendation: Receive An Informational Report And Update From The Oakland Unified School District (OUSD) 7-11 Committee On Potential Sale Or Lease Of Surplus Real Property Owned By OUSD  
18-2303

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

**This Informational Report be Scheduled to go before the Special Concurrent Meeting of the Education Partnership Committee and the Oakland Unified School District Board of Education to be heard 11/18/2019**

**CHANGES MADE TO THE OCTOBER 22, 2019 MATRIX**

**CHANGES MADE TO THE FINANCE AND MANAGEMENT COMMITTEE AGENDA**

Subject: Ordinance Amending Cannabis Business Tax Rates  
From: Pro Tempore Kalb And Council President Kaplan  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt An Ordinance Amending Oakland Municipal Code Title 5, Chapter 5.04, Section 5.04.480 And Section 5.04.481, To Create A Tiered And Category Based Tax Structure For Cannabis Businesses, Merge Medical And Non-Medical Cannabis Business Classifications, And Reduce Tax Rates For Cannabis Businesses  
18-1900

- Attachments:** [View City Administrator Report](#)  
[View Supplemental Report 5/3/2019](#)  
[View Supplemental Finance Report 5/3/2019](#)  
[View Supplemental Finance Report 5/10/2019](#)  
[View Supplemental Legislation 5/17/2019](#)  
[View Supplemental Finance Report 5/17/2019](#)  
[View Supplemental Report 7/3/2019](#)  
[View Report](#)  
[View Supplemental Report - Kalb 7/3/2019](#)  
[View Supplemental Report - Kalb 7/12/2019](#)  
[View Supplemental Report 9/12/2019](#)  
[View Supplemental Report - Kalb 10/4/2019](#)  
[View Supplemental Report - Taylor 10/4/2019](#)  
[View Supplemental Finance Report - 10/4/2019](#)  
[View Supplemental Report - Taylor 10/18/2019](#)  
[View Supplemental Report - Kaplan 10/18/2019](#)  
[View Supplemental Report 10/17/2019](#)

***To be heard as a Public Hearing***

**This Ordinance be Accepted.**

**CHANGES MADE TO THE PUBLIC WORKS COMMITTEE AGENDA**

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 \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/5/2019**

Subject: Montclair Parking Facilities Operation And Management Agreement  
From: Transportation Department  
Recommendation: Adopt A Resolution: 1) Waiving The Competitive Proposals/Qualifications (RFP/Q) Solicitation Requirement And 2) Authorizing The City Administrator To Execute An Agreement With The Montclair Village Association For The Operation And Management Of The Montclair Garage, Located At 6235 La Salle Avenue, And The Scout Lot, Located On 2250 Mountain Boulevard For An Initial Period Of Three Years At Annual Compensation Amount Of \$252,000 (Including \$237,000 In Reimbursable Operating Expenses And \$14,800 In Management Fees And Incentives) For A Total Contract Amount Of \$756,000, With An Option To Extend For An Additional Two-Years At An Annual Compensation Amount Of Up To \$252,000 For A Total Not To Exceed Contract Amount Of \$1,260,000  
18-2334

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

***To be heard as a Non-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 11/5/2019**

- 6 A Review Of The Draft Agendas For The City Council Meeting Of November 5, 2019 And The Rules And Legislation Committee Of November 7, 2019  
18-2321

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

*The Committee made a motion to change the time to the November 5, 2019 City Council Agenda to 4:30 P.M. and added a Special City Council Meeting November 14, 2019 at 11:30 a.m. and Change Rules start time to 10:15 a.m. and Closed Session start time to 10:00 a.m.*

*The Roll Call was modified to show Councilmember McElhaney out her seat at 12:47p.m.*

- S7 Subject: Ballot Measure - Appropriations Limit Increase  
From: Finance Department  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At A March 3, 2020 Municipal Election, An Ordinance To Increase The Appropriation Limit For Fiscal Years 2020-21 Through 2023-24 To Allow The City To Expend Funds Collected From Eight Voter-Approved General And Special Tax, Ballot Measures - For Emergency Medical Services, Paramedic Services, Library Services, Public Safety And Violence Prevention Services, Homeless Services And Other Lawful Governmental Purposes; And Directing The City Clerk To Take All Actions Necessary Under Law To Prepare For And Conduct A March 3, 2020 Municipal Election  
18-2243

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

*There were 4 speakers on this item*

*A motion was made by Sheng Thao, seconded by Rebecca Kaplan, that this matter be \* Withdrawn and Rescheduled to go before the \*Special Rules and Legislation Committee, to be heard 10/31/2019. The motion carried by the following vote:*

**Excused:** 1 - McElhaney

**Aye:** 3 - Kalb, Kaplan, and Thao

**NO VOTE:** 0

**S8** Subject: Resolution Recognizing Importance Of 2020 U.S. Census  
From: Mayor Schaaf, Councilmembers Bas And McElhaney  
Recommendation: Adopt A Resolution Recognizing The Importance Of The 2020 U.S. Census And Encouraging All Residents To Participate In The Census To Ensure An Accurate Count For The City Of Oakland  
18-2252

*Attachments:* [View Report](#)

*There were 3 speakers on this item*

A motion was made by Sheng Thao, seconded by Rebecca Kaplan, that this matter be \* Withdrawn and Rescheduled to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council, to be heard 11/5/2019. The motion carried by the following vote:

Excused: 1 - McElhaney

Aye: 3 - Kaib, Kaplan, and Thao

NO VOTE: 0

**Open Forum (Total Time Available: 15 Minutes)**

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 1:15 p.m.*

**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.**

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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.