

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 Minutes - DRAFT

Thursday, October 1, 2020

10:30 AM

Please See The Agenda To Participate In The Meeting

Tele-Conference

***Rules & Legislation Committee**

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

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

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/83800103172> 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 Webinar ID: 838 0010 3172
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 Asha Reed, Assistant City Clerk at AReed@oaklandca.gov.

- Office of the City Clerk

Roll Call / Call To Order

The Oakland City Council Rules And Legislation Committee convened at 10:41 AM, with Councilmember Thao presiding as Chairperson.

Excused 1 - Lynette McElhaney

Present 3 - Rebecca Kaplan, Sheng Thao, and Nikki Bas

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

2 speakers spoke during Public Comment.

2 Approval Of The Draft Minutes From The Committee Meeting Of September 17, 2020 [20-0639](#)

Attachments: [View Report](#)

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

Excused: 1 - McElhaney

Aye: 3 - Kaplan, Thao, and Bas

NO VOTE: 0

3 New Scheduling Items [20-0638](#)

Councilmember McElhaney was noted present at 10:57 AM

This Report and Recommendation be Accepted as Amended.

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

NO VOTE: 0

**3.1 Subject: Oakland Army Base Penalties Spending Authority
From: Workplace & Employment Standards
Recommendation: Adopt An Ordinance Amending Ordinance No. 13131 CMS Authorizing The City Administrator, Or Designee To Accept And Appropriate liquidated Damages And Penalty Revenue Collected By The City From Contractors' Failure To Comply With The Terms Of The City's Jobs Policy Regarding Hiring And Employment In The Construction Of Portions Of The Oakland Army Base; On The October 20, 2020 City Council Agenda On Non-Consent
20-0703**

This Ordinance be No Action Taken.

- 3.2** Subject: On-Call Horizontal Concrete Shaving Professional Service Agreement
From: Transportation Department
Recommendation: Adopt A Resolution Awarding A Construction Services Contract For On-Call Horizontal Concrete Shaving For Sidewalk Displacements Services, For A Term Not To Exceed Four (4) Years And In An Amount Not To Exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) With Precision Emprise, Inc.
20-0702

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

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

- 3.3** Subject: 2020 As-Needed Pavement Rehabilitation Services
From: Transportation Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To 1) Gallagher & Burk, The Lowest Responsive And Responsible Bidder, And Waiving Advertising And Competitive Bidding And Authorizing The City Administrator To Negotiate And Award Construction Contracts To 2) McGuire & Hester 3) Teichert Construction And 4) O.C. Jones & Sons, The Second, Third, And Fourth Lowest Responsive And Responsible Bidders, Provided That All Meet The Contractor's Bid Schedule Of The Lowest Bid Of Gallagher & Burk, For As-Needed Pavement Rehabilitation Services In Accord With The Project Plans And Specifications And The Lowest Bid In An Amount Not To Exceed Twelve Million, Six Hundred And Eighty-Six Thousand, Two Hundred Dollars (\$12,686,200.00); Each
20-0701

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Legislation](#)

This City Resolution be Scheduled.to go before the * Special Concurrent Meeting of the Oakland City Council, CPAB, SSOC, and Police Commission to be heard 10/20/2020

3.4 Subject: 2020 Tobacco Law Enforcement Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into An Agreement With The California Department Of Public Health (CADOPH) To Clarify “Stop Tobacco Access To Kids Enforcement (Stake)” Grant Program Requirements, And Accept And Appropriate One Hundred Eighty Thousand Dollars (\$180,000) For A Three-Year CADOPH Stake Grant; And Authorizing The General-Purpose Services Fund To Contribute Twenty-Seven Thousand Nine Hundred Dollars (\$27, 900) To Cover The Associated Central Services Overhead Costs
[20-0697](#)

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

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.5 Subject: 2020 Mills Act Contracts Recommendations
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Landmarks Preservation Advisory Board Pursuant To Ordinance No. 12987 C.M.S., (1) Approving Ten (10) Mills Act Contracts, Between The City Of Oakland And The Properties At 676 Longridge Road, 322 Broadway, 1186 Trestle Glen Road, 926 Rosemount Road, 2804 Adeline Street, 724 Campbell Street, 326-28 Henry Street, 5738 Picardy Drive, 669-71 24th Street/674 23rd Street, And 369 Macarthur Boulevard, To Provide Property Tax Reductions In Exchange For Owners’ Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs; And (2) Approving Total City Tax Revenue Reduction Estimated To Be Above \$25,000 Per Year
20-0696

Attachments: View Report
View Attachment A
View Attachment B
View Attachment C
View Legislation

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.6 Subject: FY2020-21 Cultural Funding Grants-Round One
From: Economic & Workforce Development Department
Recommendation: Adopt A Resolution Awarding Cultural Services Grants To Twenty-Six (26) Oakland-Based Nonprofit Organizations Providing Arts And Cultural Services In Oakland For Fiscal Year 2020-21 (Round One), In A Total Amount Not To Exceed \$643,299
20-0695

- Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.7 Subject: Apply For CalHome 2020 Grant, Appropriate CalHome Revenue
From: Housing & Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator Or His Or Her Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development Calhome 2020 Notice Of Funding Availability In An Amount Not To Exceed \$5 Million; And

20-0693

- Attachments: [View Report](#)
[View Legislation](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

2) A Resolution Authorizing The Periodic Reappropriation Of CalHome Program Repayment Revenues To Make New CalHome Program Loans Under The CalHome Program For A Period Of Fiveyears Without Returning To Council

20-0694

- Attachments: [View Legislation](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.8 Subject: Terminate OPD Participation In Joint Terror Task Force
From: Council President Kaplan
Recommendation: Adopt A Resolution Terminating The Oakland Police Department’s Participation In The Joint Terror Task Force
[20-0691](#)

- Attachments:** [View Report - Kaplan](#)
[View Annual Report - OPD](#)
[View Legislation](#)
[View Supplemental Report - Kaplan 10/9/2020](#)

This City Resolution be Scheduled to go before the *Special Public Safety Committee to be heard 10/13/2020

3.9 Subject: California Waste Solutions Exclusive Negotiating Agreement
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Execute An Amendment To The Exclusive Negotiating Agreement (ENA) With California Waste Solutions (CWS), Extending The ENA For A Period Of Three Months, With One Administrative Option For An Additional Three-Month Extension, Subject To Payment Of A Non-Refundable Extension Fee Of \$20,000, To Allow The Parties To Complete The Negotiation Of A Development And Disposition Agreement For The Relocation Of CWS’S Existing West Oakland Recycling Uses To A Portion Of The North Gateway Parcels Located At The Former Oakland Army Base
20-0668

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

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.10 Subject: 3455 And 3461 Champion Street DDA Amendment
From: Economic And Workforce Development Department
Recommendation: Adopt An Ordinance To Authorize A First Amendment To The Disposition And Development Agreement Between The City Of Oakland And Champion Street, LLC, For The Property Located At 3455 And 3461 Champion Street, To (1) Modify The Project Schedule To Extend (A) The Outside Date For Completion Of Construction To June 30, 2021, And (B) The Outside Date The Restaurant Will Open To July 30, 2021, And (2) To Make The Determination That The Action Is Exempt From The California Environmental Quality Act (CEQA)

[NEW TITLE]

[20-0547](#)

Attachments: [View Report](#)

[View Legislation](#)

[View Supplemental Report -10/9/2020](#)

[View Supplemental Attachment A -10/9/2020](#)

[View Supplemental Legislation -10/9/2020](#)

This Ordinance be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.11 Subject: Electric Bike Share Program
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Informational Report On A Proposed Amendment To The City's Franchise Agreement With Bay Area Motivate L.L.C. Regarding Electric-Assist Bike Share; And
20-0698

This City Resolution be No Action Taken.

2) An Ordinance Amending Oakland Municipal Code Title 10 And Title 12.08 To Rename The Dockless Scooter Share Program And Include Dockless Electric Bicycles And Tricycles As Eligible Vehicles For Permits Under That Program; And
20-0699

This Ordinance be No Action Taken.

3) An Ordinance Amending Ordinance No. 13355 C.M.S., Granting An Exclusive Franchise To Bay Area Motivate, L.L.C. To Operate A Bike Share Program; On The November 10, 2020 Special City Council On Non-Consent
20-0700

This Ordinance be No Action Taken.

- 3.12** Subject: Report On Independent Investigation On Bey Cases
From: Council President Kaplan
Recommendation: Receive An Informational Report On The Independent Investigation Into The Bey Cases, And Discuss Recommendations For Action To Bring About Reconciliation And Restoration; On The January 12, 2021 City Council Agenda On Non-Consent
20-0692

This Informational Report be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/12/2021

- 3.13** Subject: Modify The Oakland Parks And Recreation Advisory Commission
From: Oakland Public Works Department
Recommendation: Adopt An Ordinance Amending And Restating Ordinance Nos. 11731 And 8065 C.M.S To Update The Duties Of The Parks And Recreation Advisory Commission To Include Oversight Of The 2020 City Of Oakland Parks And Recreation Preservation, Litter Reduction, And Homelessness Support Act (Measure Q), And To Modify The Membership, Appointment, And Meeting Procedures Of The Commission
20-0532

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Legislation](#)

This Ordinance be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

- 3.14** Subject: SAVE Workforce Development Timeframe Extension
From: Human Services Department
Recommendation: A Resolution To: 1. Amend Resolution No. 87834 C.M.S. To Extend The Grant Award Term End Date To S.A.V.E Center For Community Change And Empowerment (S.A.V.E.) To June 30, 2021; And 2. Increase The Grant Award Amount To S.A.V.E. If Additional General Purpose Funding Becomes Available For The Same Purpose Within The Extended Grant Term, Without Returning To Council; On The October 20, 2020 City Council Agenda On Consent
20-0621

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

3.15 Subject: City Of Oakland V. Monsanto Company, Pharmacia Corp., Solutia Inc.
 From: Office Of The City Attorney's
 Recommendation: Adopt A Resolution Ratifying The City Attorney's Action To Compromise And Settle The Case Of City Of Oakland V. Monsanto Company, Solutia Inc., Pharmacia Corporation And Does 1-100, United States District Court Case No. 15-CV-05152-EJD, City Attorney File No. X04184, For Payment To The City Of Oakland In The Amount Of Seven Million Two Hundred Twenty-Two Thousand Four Hundred Twenty-Four Dollars And No Cents (\$7,222,424.00) Arising From Environmental Contamination By Polychlorinated Biphenyls ("PCBS") (Public Works Department -Public Nuisance); On The October 20, 2020 City Council On Consent
20-0704

This City Resolution be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/20/2020

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings
[20-0653](#)

- Attachments:** [View Previously Distributed 10 Day Agendas](#)
[View Rules Pending List](#)
[View Finance & Management Pending Committee List](#)
[View Public Works Committee Pending List](#)
[View Community & Economic Development Committee Pending List](#)
[View Life Enrichment Committee Pending List](#)
[View Public Safety Committee Pending List](#)
[View Draft Agendas](#)

A Special Public Safety Committee was called for October 13, 2020 at 2:30 PM

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

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

NO VOTE: 0

5 Determinations Of Closed Session
[20-0654](#)

Attachments: [View Report](#)

A Closed Session will be held Thursday October 8, 2020 1:30 - 4:30 PM

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

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

NO VOTE: 0

- 6 Subject: Support For Proposition 17
From: Councilmember McElhaney
Recommendation: Adopt A Resolution In Support Of Proposition 17 A Ballot Initiative To Enfranchise Formerly Incarcerated Citizens On Parole
[20-0648](#)

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

A motion was made by Lynette McElhaney, seconded by Nikki Bas, that this matter be Approved the Recommendation of Staff, and Forward to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 10/6/2020. The motion carried by the following vote:

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

NO VOTE: 0

- 7 Subject: Opposition To Proposition 20
From: Councilmember McElhaney
Recommendation: Adopt A Resolution In Opposition Of Proposition 20 A Ballot Initiative To Return The State Of California To Failed And Racist Tough-On-Crime Policies
[20-0649](#)

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

A motion was made by Lynette McElhaney, seconded by Nikki Bas, that this matter be Approved the Recommendation of Staff, and Forward to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 10/6/2020. The motion carried by the following vote:

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

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 11:35 PM

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.**