

# 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, January 14, 2021**

**10:30 AM**

**Please See The Agenda To Participate In The Meeting**

**Tele-Conference**

**\*Rules & Legislation Committee**

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

PUBLIC PARTICIPATION

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

OBSERVE:

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

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

COMMENT:

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

There are three ways to submit public comments.

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

If you have any questions, please email Asha Reed, Assistant City Clerk at [AReed@oaklandca.gov](mailto:AReed@oaklandca.gov).

- Office of the City Clerk

**The Oakland City Council Rules & Legislation Committee convened at 10:36 p.m. with Councilmember President Pro Tempore Thao presiding as Chairperson.**

**COMMITTEE MEMBERSHIP:**

**Roll Call / Call To Order**

**Excused** 1 - Dan Kalb

**Present** 3 - Sheng Thao, Nikki Bas, and Carroll Fife

**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**

*There were 3 speakers during public comment*

- 2** Approval Of The Draft Minutes From The Committee Meeting Of December 3, 2020  
[20-0927](#)

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

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

**Excused:** 1 - Kalb

**Aye:** 3 - Thao, Bas, and Fife

**NO VOTE:** 0

**3 New Scheduling Items**

**This be Accepted as Amended.**

**3.1** Subject: Resolution Endorsing AB 15, The Tenant Stabilization Act of 2021  
From: Council President Bas, Councilmember Kalb And Fife  
Recommendation: Adopt A Resolution Endorsing AB 15, The Tenant Stabilization Act Of 2021, And Urging Governor Newsom And The California State Legislature To Pass Assembly Bill 15 With Urgency, Without Preemption Of Critical Local Protections, Allowing City And County Governments To Address The Effects Of The Covid-19 Pandemic And Stabilize Their Communities  
[21-0049](#)

**Sponsors:** Kalb

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

*Council President Bas made a motion seconded by President Pro Tempore Thao to approve the urgency finding on item 3.1 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;*

*Motion passed by 3 Ayes: Fife, Thao, and Fortunato Bas, 1 Excused: Kalb*

*Councilmember Fife requested to be added as a co-sponsor*

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/19/2021**

**3.2** Subject: Police Commission Appointment  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Marsha Peterson To Serve On The Oakland Police Commission As Alternate Commissioner  
[21-0031](#)

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

**This City Resolution be Scheduled.to go before the \*Rules & Legislation Committee to be heard 1/28/2021**

Subject: Support Of AB 71 (Rivas) Homelessness Funding  
From: Office Of The Mayor, President Pro Tem Thao, Councilmember Taylor And President Bas  
Recommendation: Adopt A Resolution In Support Of AB 71 (Rivas) To Establish A Permanent Source Of Funding To Reverse The Cycle Of Homelessness In California [21-0046](#)

- Attachments:** [View Report and Legislation](#)  
[View Report - AB 71 Bill](#)  
[View Report - ALH](#)  
[View Supplemental Legislation - 1/22/2021](#)

***President Bas requested to be added as a co-sponsor***

**This City Resolution be Scheduled.to go before the \*Rules & Legislation Committee to be heard 1/28/2021**

- 3.4** Subject: Local Business Empowerment Through Contracting (LBETC) Costing  
From: Councilmember Taylor  
Recommendation: Receive An Informational Report Directing The City Administrator To Provide A Costing Analysis Including Staff Impacts And Dollar Amounts For The Local Business Empowerment Through Contracting (LBETC) Ordinance Which Amends Ordinance 13101 Which Revised Oakland's Local And Small Local Business Enterprise (L/SLBE) Program Brought To Council On December 15, 2020 And January 12, 2021 To Empower Oakland's Local And Small Business Community And Responds To The Racial And Gender Disparities Identified In The 2017 Racial And Gender Disparities Report  
[21-0048](#)

***The Committee made a motion to make the January 26, 2021 Community and Economic Development Committee be held as a Special 1:00 PM meeting***

**This Informational Report be Scheduled.to go before the \*Community & Economic Development Committee to be heard 1/26/2021**

- 3.5** Subject: Summary Vacation Of Public Sewer Easement At 500 Lake Park Avenue.  
From: Transportation Department  
Recommendation: Adopt A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 500 Lake Park Avenue To The Property Owners, Lake Park Oakland EAH, LLC  
**21-0030**

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

**3.6** Subject: HSIP8 High Street Improvements  
From: Transportation Department  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, High Street Improvement Project, Project No. 1004017, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Seven Hundred Ninety-Nine Thousand Seven Hundred Ninety-Eight Dollars (\$799,798)

**21-0032**

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

**3.7** Subject: HSIP8 Bancroft Avenue Improvements  
From: Transportation Department  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. DBA Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Bancroft Avenue Improvement Project, Project No. 1004012, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Two Million Two Hundred Eighteen Thousand Eight Hundred Sixty-Seven Dollars (\$2,218,867)

**21-0034**

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

**3.8** Subject: HSIP8 Fruitvale Avenue Improvements  
From: Transportation Department  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. DBA Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Project No. 1004014, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Hundred Seventeen Thousand Four Hundred Forty Dollars (\$517,440)

**21-0040**

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

- 3.9** Subject: Bike Lane Sweeper Funding  
From: Transportation Department  
Recommendation: Adopt A Resolution Appropriating Fund Balance From Fund 2211: Measure B Local Streets And Roads In An Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000) For The Purchase Of Equipment To Sweep Bicycle Lanes In Accordance With The City's Purchasing Programs And Policies  
**21-0035**

*The Committee requested this item be heard 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 2/2/2021**

- 3.10** Subject: Vacate A Portion Of King St. Between Dennison St. And Frederick St.  
From: Transportation Department  
Recommendation: Adopt A Resolution Conditionally Vacating A Portion Of The Public Right-Of-Way Of King Street From 5 Feet South Of Its Intersection With Dennison Street To 68.6 Feet North Of Its Intersection With Frederick Street  
**21-0038**

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

- 3.11** Subject: Local Tax Software Solution  
From: Finance Department  
Recommendation: Adopt A Resolution 1) Extending The Agreement With HDL Software, LLC For An Additional Three-Year Term With One Two-Year Option Upon Satisfactory Performance At The Discretion Of The City Administrator, For The On-Going Maintenance, Necessary Upgrades, Technical And Professional Support Of The Local Tax Software Solution, 2) Increasing The Estimated Annual Contract Amount To About \$180,000 Per Year For A Total Contract Increase Nine Hundred Fifty Thousand Dollars (\$900,000) For All Five Years, For A Revised Grand Contract Total Amount Not To Exceed \$2,166,703; And 3) Appropriating All Available And Future Funds As They Become Available From The Recordation And Technology Fee Fund, Without Returning To Council  
**21-0033**

*Title correction 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 2/2/2021**

- 3.12** Subject: Termination Of Local Emergency Due To Wildfires  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Terminating The Existence Of A Local Emergency Within The Territorial Limits Of The City Of Oakland Due To The Health Impacts Of Major Wildfires Burning Throughout California, Oregon And The State Of Washington, As Proclaimed By The City Administrator On September 13, 2020, And Confirmed By The City Council On September 15, 2020  
[21-0037](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

- 3.13** Subject: NOFA Funding-Mark Twain Homes  
From: Housing & Community Development Department  
Recommendation: Adopt A Resolution Authorizing An Affordable Housing Loan In An Amount Not To Exceed \$4,776,000 For The Mark Twain Homes Acquisition, Rehabilitation And Preservation Project  
**21-0036**

***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 2/2/2021**

- 3.14** Subject: OFCY After School Grant To Girls Inc. Of Alameda County  
From: Human Services Department  
Recommendation: Adopt A Resolution Amending Resolution No. 88190 C.M.S. , Which Awarded Oakland Fund For Children And Youth Grant Agreements For Fiscal Year 2020-21, To Decrease The Amount Of The Grant Award For The Burckhalter Elementary Program And To Replace Ujimaa Foundation With Girls Incorporated Of Alameda County As The Service Provider For The Burckhalter Elementary Program  
**21-0047**

***The Committee requested this item be heard 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 2/2/2021**



- 3.15** Subject: Zero Tolerance Policy For Racist, Behaviors, And Actions  
From: Councilmember Taylor  
Recommendation: Receive An Informational Report From The City Administrator On The Actions Taken To Address The Zero Tolerance Policy For Racist, Policies, Behaviors, And Actions Within The City Of Oakland In Light Of The Internal Investigation Launched By The Oakland Police Department Denouncing Hate Speech; On The February 9, 2021 Public Safety Committee Agenda  
**21-0050**

*The Committee accepted a motion to waive the 2 item minimum for the February 9, 2021 Public Safety Committee Agenda*

**This Informational Report be Scheduled.to go before the \*Public Safety Committee to be heard 2/9/2021**

- 3.16** Subject: Impact Fees Annual Report  
From: Planning & Building Department  
Recommendation: Receive The Annual Report On The Affordable Housing, Transportation, Capital Improvements, And Jobs/Housing Impact Fees; On The February 23, 2021 Community & Economic Development Committee Agenda  
**21-0039**

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 2/23/2021**

**DUE TO THE PRESENCE OF COUNCILMEMBER KALB'S STAFF AND COUNCILMEMBER TAYLOR'S STAFF, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE RULES AND LEGISLATION COMMITTEE, AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 11:26 AM**

**4** Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings  
[20-0935](#)

- Attachments:** [Draft January 25, 2021 Finance And Management Committee Agenda](#)  
[Draft January 26, 2021 Community And Economic Development Committee Agenda](#)  
[Draft January 28, 2021 Rules And Legislation Agenda](#)  
[Rules Committee Pending List](#)  
[Finance And Management Committee Pending List](#)  
[Public Works Committee Pending List](#)  
[Community And Economic Development Committee Pending List](#)  
[Life Enrichment Committee Pending List](#)  
[Pending List Public Safety Committee Pending List](#)  
[Previously Distributed 10-Day Rules Agenda - January 21, 2021](#)  
[Previously Distributed 10-Day Council Agenda - January 19, 2021](#)

**A motion was made by Nikki Bas, seconded by Sheng Thao, that this matter be Accepted as Amended. The motion carried by the following vote:**

- Excused:** 1 - Kalb  
**Aye:** 3 - Thao, Bas, and Fife  
**NO VOTE:** 0

**CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY, PENDING LIST AND DRAFT AGENDAS**

**This be Accepted as Amended.**

**Changes Made To The January 19, 2021 City Council Agenda**

**This be Accepted as Amended.**

Subject: Surplus Land Declaration For The Former Raiders Training Facility  
From: Office Of The City Administrator  
Recommendation: Adopt A Resolution: 1) Declaring The Former Raiders Training Facility Located At 1150 And 1220 Harbor Bay Parkway Alameda, Ca (APN: 074-1339-016 And 074-1361-008), As "Surplus Land" Pursuant To Government Code Section 54220 (B)(1)(California Surplus Land Act); And 2) Authorizing The City Administrator To, Jointly With The County Of Alameda, Issue The Notice Of Availability For The Sale Of 100% Fee Title To The Property, In Compliance With The Surplus Land Act  
[20-0894](#)

**Attachments:** [NO WRITTEN MATERIALS SUBMITTED](#)

**This City Resolution be \* Withdrawn from January 19, 2021 City Council Agenda and Rescheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021**

Subject: Emergency Paid Sick Leave Extending And Amending  
From: President Pro Tempore Thao, Councilmember Kalb And Gallo  
Recommendation: Adopt An Emergency Ordinance Extending And Amending Chapter 5.94 Of The Oakland Municipal Code To Extend Emergency Paid Sick Leave For Oakland Employees During The Novel Coronavirus (Covid-19) Pandemic  
[21-0018](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[View Supplemental Presentation -1/15/2021](#)

***Councilmember Gallo requested to be added as a co-sponsor***

**This Ordinance be Accepted.**

Subject: Council President Appointment To Association Of Bay Area Governments  
 From: Council President Bas  
 Recommendation: Adopt A Resolution Reappointing Councilmembers Loren Taylor And Nikki Fortunato Bas And Appointing Councilmember Carroll Fife As Delegates To Represent The City Of Oakland To The Association Of Bay Area Governments (ABAG) Executive Board And Reappointing Councilmember Dan Kalb As An Alternae  
 [TITLE CHANGE]  
[21-0028](#)

**Attachments:** [View Legislation](#)  
[View Supplemental Report - 1/15/2021](#)

*The Committee accepted a title change read into record including Councilmember Fife and Kalb*

*Council President Bas made a motion seconded by President Pro Tempore Thao to approve the urgency finding on item 2.13 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;*

*Motion passed by 3 Ayes: Fife, Thao, and Fortunato Bas, 1 Excused: Kalb*

**This City Resolution be Approved as Amended 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 1/19/2021**

**Changes Made to the Rules Pending List**

*The Committee motioned to remove the item regarding "Receive an Informational Report on the 2020 City of Oakland Disparity Study" from the Rules Pending List No Date Specific*

**This be Accepted as Amended.**

Subject: Nullification Of Action On Measure AA  
 From: League Of Women Voters Of Oakland  
 Recommendation: Adopt A Resolution To Nullify The December 14, 2018 Action To Certify Measure AA As Passed; On The February 26, 2019 City Council Agenda As A Public Hearing  
[18-1338](#)

*The Committee motioned to remove the item regarding "Nullification Of Action On Measure AA" from the Rules Pending List No Date Specific*

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

Subject: Amending The City Council Rules Of Procedures  
From: President Pro Tem Kalb And President Kaplan  
Recommendation: Adopt A Resolution Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution No. 87044 C.M.S., To Adjust The Order Of Business, Begin Regular Council Meetings At 5:00 P.M., Provide For The Appointment Of A Designated Alternate For The Rules Committee, Limit Presentations To Generally 10 Minutes, And Provide Various Other Clarifications And Adjustments  
[TITLE CHANGE]  
[18-1258](#)

Attachments: [View Report](#)

***The Committee motioned to remove the item regarding "Amending The City Council Rules Of Procedures " from the Rules Pending List No Date Specific***

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

Subject: The Fair And Equal Pay Act Of 2016  
From: Member Of The Public  
Recommendation: A Legal Analysis From The City Attorney's Office As Directed By Councilmember Larry Reid At The June 2020 Council Meeting To Present A Legal Analysis Of The Fair And Equal Pay Act Of 2016 , Codified In The California Labor Code 1197.5. Followed By A Council Resolution To Pay Former Assistant City Administrator Marakeshia Smith Retroactive Salary From August 2019 To March 2020 Which Represents The Differential Desperate Pay When Then The New Assistant City Administrator Ed Reiskin Was Hired And Reported [According Zennie Abraham Podcast] To Have Been Paid \$100,000.00 (One Hundred Thounds) Dollars More Than Assistant City Administrator Marakeshia Smith Performing The Same Function; On A Council Agenda As Soon As Possible  
[20-0652](#)

***The Committee motioned to remove the item regarding "The Fair And Equal Pay Act Of 2016" from the Rules Pending List No Date Specific***

**This Report and Recommendation be Withdrawn with No New Date.**

### **Changes Made To The January 26, 2021 Community and Economic Development Committee Agenda**

**This be Accepted as Amended.**

Subject: Local Business Advisory Council And Staff To Address Contracting Disparities  
From: Councilmember Taylor  
Recommendation: Adopt A Resolution 1) Establishing A Local Business Advisory Council To Address Race And Gender Disparities In Contracting And Procurement; And 2) Amending Resolution No. 88174 C.M.S., Which Adopted The Fiscal Year 2020-21 Mid-Cycle Budget Amendments, To Create and Fund Two Contract Compliance Officer Positions And One Administrative Assistant II Position in the Department of Workplace and Employment Standards To Implement The Local/Small Local Business Enterprise (L/SLBE) Program Enhancements Detailed In Ordinance [21-0019](#)

This City Resolution be \* Withdrawn from the January 26, 2021 Community and Economic Development Committee Agenda and Rescheduled.to go before the \*Community & Economic Development Committee to be heard 2/23/2021

## 5 Determinations Of Closed Session

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

*3 Speakers spoke during open forum*

### Adjournment

*There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 12:00 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.**

**Office of the City Clerk - Agenda Management Unit**

**Phone: (510) 238-6406**

**Fax: (510) 238-6699**

**Recorded Agenda: (510) 238-2386**

**Telecommunications Relay Service:711**

**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.**