



# City of Oakland

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

## Meeting Agenda - SUPPLEMENTAL

### \*Rules & Legislation Committee

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

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

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Thursday, February 20, 2020

10:45 AM

City Council Chamber, 3rd Floor

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#### **DEFINITION OF TERMS:**

**Consent Item:** any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

**Non-Consent Item:** any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

**Action Item:** any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

**Informational Item:** an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call To Order

#### **COMMITTEE MEMBERSHIP:**

Council President Rebecca Kaplan, At-Large; Nikki Bas, District 2; Lynette McElhaney, District 3; Chairperson: Sheng Thao, District 4

1 Determinations Of Closed Session

[20-0158](#)

Attachments: [View Report](#)

- 2 Approval Of The Draft Minutes From The Committee Meeting Of January 30, 2020 And February 6, 2020

[20-0159](#)

**Attachments:** [View Report 1/30/2020](#)  
[View Report 2/6/2020](#)

- 3 Determination Of Schedule Of Outstanding Committee Items

[20-0160](#)

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

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)

[20-0161](#)

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

- 4.1 Subject: Settlement Agreement - Francisco Barriga Salinas  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Francisco Barriga Salinas, FJ. Jr., Francisco Romero Salinas V. City Of Oakland And Does 1-30, Alameda County Superior Court Case No. Rg16833669, In The Amount Of Eight Hundred Twelve Thousand Five Hundred Dollars And No Cents (\$812,500.00) As A Result Of An Auto Collision On October 8, 2015 (Department Of Transportation - Automobile Collision); On The March 3, 2020 City Council Agenda As A Consent Item

**20-0229**

- 4.2 Subject: CalHome Grant Application Resolutions  
From: Housing And Community Development Department  
Recommendation: Adopt The Following Pieces Of Legislation;

1) A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed The Maximum Program Limit Of \$5 Million Dollars Under The CalHome Program For First-Time Homebuyer Mortgage Assistance Programs; And

**20-0214**

2) A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed The Maximum Program Limit Of \$5 Million Dollars Under The Calhome Program For Accessory Dwelling Unit And Junior Accessory Dwelling Unit Programs; On The March 3, 2020 City Council Agenda

**20-0215**

**4.3** Subject: 2020 California Distinguished School Awards  
 From: Councilmember Bas  
 Recommendation: Adopt A Resolution Celebrating The Three Oakland Unified School District Schools Recognized As 2020 California Distinguished Schools By State Superintendent Of Public Instruction, Tony Thurmond: Cleveland Elementary School, Crocker Highlands Elementary School And Lincoln Elementary School; On The March 3, 2020 City Council Agenda As A Ceremonial Item  
[20-0076](#)

Attachments: [NO WRITTEN MATERIAL SUBMITTED](#)

Legislative History

1/16/20	*Rules & Legislation Committee	Scheduled to the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
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**4.4** Subject Honoring Carolyn Webb’s On Her Retirement  
 From: Councilmember McElhaney  
 Recommendation: Adopt A Resolution Honoring Carolyn Webb For More Than 32 Years Of Exemplary Service To The Citizens Of Oakland And Recognizing Her On Her Retirement From The City Of Oakland: On The March 3, 2020 City Council Agenda As A Ceremonial Item  
**20-0206**

**4.5** Subject: Resolution Appointing Oakland Representatives To The EBRCSA Board  
 From: Council President Kaplan  
 Recommendation: Adopt A Resolution Appointing Councilmember Noel Gallo To The East Bay Regional Communications System Authority (EBRCSA) Board Of Directors, And Appointing Councilmember Sheng Thao As An Alternate To The EBRCSA Board Of Directors Commencing March 6, 2020; On The March 3, 2020 City Council Agenda  
**20-0213**

**4.6** Subject: Fiscal Year 2017-18 Workers’ Compensation Annual Report  
 From: Human Resources Management Department  
 Recommendation: Receive An Informational Report On The Fiscal Year 2018-19 Workers’ Compensation Program; On The March 10, 2020 Finance And Management Committee Agenda  
**20-0205**

**4.7** Subject: Contract Award For Safe Routes To Transit Improvements  
From: Transportation Department  
Recommendation: Adopt A Resolution Awarding A Construction Contract To Ray's Electrics Inc., For Safe Routes To Transit Improvements, College Avenue From Broadway To Alcatraz Avenue Project, Project No. 1000653, 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 Ninety-Two Thousand Five Hundred Ninety-Nine Dollars And Fifty Cents (\$2,292,599.50); On The March 10, 2020 Public Works Committee Agenda

**20-0216**

**4.8** Subject: Section 130 RR Grade Crossing Improvements  
From: Transportation Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To Accept And Appropriate Four Hundred Fifty-Six Thousand Two Hundred Twenty-Seven Dollars (\$456,227.00) In Transportation Funds From The State Of California Section 130 Grade Crossing Improvement Program For The Railroad Crossing At 29th Avenue And To Award A Construction Contract To The Lowest Responsive And Responsible Bidder In An Amount Not To Exceed The Grant Amounts; And

**20-0224**

2) A Resolution Authorizing The City Administrator To Accept And Appropriate Two Hundred Fifty-Two Thousand Two Hundred Thirty-Six Dollars (\$252,236.00) In Transportation Funds From The State Of California Section 130 Grade Crossing Improvement Program For The Railroad Crossing At 85th Avenue And To Award A Construction Contract To The Lowest Responsive And Responsible Bidder In An Amount Not To Exceed The Grant Amounts; And

**20-0225**

3) A Resolution Authorizing The City Administrator To Accept And Appropriate Three Hundred Fourteen Thousand Eighty-Five Dollars (\$314,085.00) In Transportation Funds From The State Of California Section 130 Grade Crossing Improvement Program For The Railroad Crossing At 105th Avenue And To Award A Construction Contract To The Lowest Responsive And Responsible Bidder In An Amount Not To Exceed The Grant Amounts; On The March 10, 2020 Public Works Committee Agenda

**20-0226**

- 4.9** Subject: Team Oakland Contract Extension  
From: Oakland Public Works Department  
Recommendation: Adopt A Resolution Amending City Council Resolution No. 87653 C.M.S. To Authorize A Three-Year Contract Extension With The Youth Employment Partnership To Implement Team Oakland Program From June 30, 2020 To June 30, 2023, In An Amount Not To Exceed Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) Per Year; On The March 10, 2020 Public Works Committee Agenda  
**20-0223**
- 4.10** Subject: An Updated Nexus Study For The Jobs And Housing Impact Fees  
From: Council President Kaplan  
Recommendation: Adopt A Resolution Directing The City Administrator To Conduct An Updated Impact Fee Nexus Study For Jobs And Housing Impact Fees In The City Of Oakland; On The March 24, 2020 Community And Economic Development Committee Agenda  
**20-0212**
- 4.11** Subject: Tenant Protection, Just Cause, & Rent Ordinance Amendments  
From: City Attorney Parker, Councilmembers Bas And Pro Tem Kalb  
Recommendation: Adopt An Ordinance Amending Chapter 8.22 Of The Oakland Municipal Code (Residential Rent Adjustments And Evictions) To (1) Limit The Maximum Rent Increase In Any One Year To Conform To State Law; (2) Add Failure To Pay Required Relocation Benefits As A Defense To Eviction; (3) Prohibit Evictions Based On Unilaterally Imposed Changes To Terms Of Tenancy; (4) Add The Right To Replace Roommates To The Definition Of Housing Services; And (5) Strengthen Tenants' Rights And Their Enforcement Under The Tenant Protection Ordinance; On The March 10, 2020 Community And Economic Development Committee  
[20-0228](#)
- 4.12** Subject: Port Commissioner Re-Appointments  
From: Office Of The Mayor  
Recommendation: Adopt A Resolution Confirming The Reappointments Of Arabella Martinez And Andreas Cluver To The Board Of Port Commissioners; On The March 5, 2020 Rules And Legislation Committee Agenda  
**20-0207**
- 4.13** Subject: Amendment To City Charter Article XI, Adding Section 1106, Youth Voting  
From: Council President Kaplan  
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 3, 2020 Municipal Election, An Amendment To City Charter Article XI, Adding Section 1106, To Provide For Voting By Persons Aged 16 And 17 Years Old, For The Office Of School Board Director, And Directing The City Clerk To Take All Actions Necessary Under Law Submit This Item To The November 3, 2020 General Election; On The March 12, 2020 Rules And Legislation Committee Agenda  
**20-0204**

**4.14** 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**

Legislative History

2/6/20	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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*This item will be placed on Non Consent.*

**4.15** Subject: Education Partnership Committee Meetings  
 From: Councilmember Bas  
 Recommendation: Schedule Two Meetings For The Special Education Partnership Committee On Monday, March 23, 2020 At 5:30 P.M. In Council Chambers, And Monday, May 11, 2020 At 5:30 P.M. In Council Chambers  
**20-0227**

**5** A Review Of The Draft Agendas For The City Council Meeting Of March 3, 2020 And The Rules And Legislation Committee Of March 5, 2020  
[20-0162](#)

Attachments: [View Report](#)

**6** Subject: Oakland Promise Audit  
 From: Member Of The Public: Gene Hazzard  
 Recommendation: Receive A Report From The Office Of The City Auditor Related To The Oakland Promise Investigation  
[18-2537](#)

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

**Legislative History**

12/5/19	*Rules & Legislation Committee <i>The Committee accepted that this item be scheduled to the 1st Committee Meeting in February 2020</i>	Scheduled to the *Finance & Management Committee
1/16/20	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee

**7** Subject: Amending Resolution Authorizing Oakland Promise  
 From: President Kaplan  
 Recommendation: Adopt A Resolution Implementing Recommendations Of The City Auditor Regarding Oakland Promise, And Amending Resolution No. 85809 C.M.S. (Actions Taken By The Mayor During The Oakland City Council 2015 Annual Recess) Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) With The East Bay College Fund To Implement The Oakland Promise Initiative  
[18-2542](#)

**Attachments:** [View Report](#)  
[View Auditor Report 2/7/2020](#)

**Legislative History**

12/5/19	*Rules & Legislation Committee <i>The Committee accepted that this item be scheduled to the 1st Committee Meeting in 2020</i>	Scheduled to the *Rules & Legislation Committee
1/16/20	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee

**8** Subject: New California State Laws Annual Report  
 From: Office Of The City Attorney  
 Recommendation: Receive And Informational Report And Briefing From The City Attorney's Office On All New California State Laws Which Become Effective In 2018. Said Report Shall Be Annually Presented At The First Rules Committee In February Of Each Year  
[20-0148](#)

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

**Legislative History**

1/30/20	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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Open Forum (Total Time Available: 15 Minutes)

Adjournment

### 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.