



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 - FINAL

*Rules & Legislation Committee

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

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

Thursday, January 17, 2019

10:45 AM

City Council Chamber, 3rd Floor

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; President Pro Tempore Dan Kalb, District 1; Lynette McElhaney, District 3; Chairperson: Sheng Thao, District 4

1 Determinations Of Closed Session

[18-1242](#)

Attachments: [View Report](#)

2 There Are No Rules Minutes For Approval

[18-1243](#)

3 Determination Of Schedule Of Outstanding Committee Items

[18-1244](#)

Attachments: [View Report](#)

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

[18-1245](#)

Attachments: [View Report](#)

4.1 Subject: Amending The City Council Rules Of Procedures

From: Councilmember Kalb

Recommendation: Adopt A Resolution Amending And Superseding The Council’s Rules Of Procedure Currently Set Forth In Resolution No. 87044 C.M.S., To Amend: (1) The Order Of Business To Have Ceremonial Items Occur After Roll Call And Before Open Forum, (2) Rule 4 To Provide For The Appointment Of A Designated Alternate For The Rules Committee To Maintain A Quorum, (3) Rule 5 To Clarify And Limit The Authority Of Committees, Other Than The Rules Committee, And Committee Chairs To Designate Items As Consent And Non-Consent Items, (4) The Council Meeting Time, Order Of Business, And Rule 7 To Begin Council Meetings At 4:30 P.M. And The Non-Consent Calendar At 5:30 Pm, (5) Rule 7 To Require Action On Consent Items For Which There Is No Council Comment Or Public Speaker Card Prior To Taking Action On Other Consent Items, (6) Rule 18 To Clarify Requirements For The Council To Endorse Or Oppose Ballot Measures Submitted By The Electorate And To Approve Measures On The Council’s Own Motion To Be Placed On The Ballot, (7) Rule 19 To Add The Oakland Housing Authority To The List Of Bodies Whose Appointments Must Be Reviewed By The Rules Committee, (8) Rule 23 To Clarify Rules Committee Jurisdiction Over City Proposed Ballot Measures, And (9) Rule 24 To Allow Submission Of Scheduling Requests From The Public Only If Requested In Writing By Ten Members Of The Public Or If Sponsored By A Councilmember

18-1258

Legislative History

1/10/19	*Rules & Legislation Committee	Rescheduled to the *Rules & Legislation Committee
	<i>There was a title change read into record</i>	

The committee approved as amended to reschedule this item to the next Rules and Legislation Committee meeting with direction to meet with the City Clerk for further analysis.

- 4.2** Subject: Charles Vose V. City Of Oakland, ACSC No. Rg17870726
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle Charles Vose V. City Of Oakland, ACSC No. RG17870726, In The Amount Of Two Hundred Ninety Five Thousand Dollars And No Cents (\$295,000) (Alleging Employment Discrimination): On The January 22, 2019 Special City Council Agenda
18-1293
- 4.3** Subject: Graffiti Abatement Mural And Green Wall Funds Grant
From: President Pro Tempore Dan Kalb
Recommendation: Adopt A Resolution Authorizing A Grant Not To Exceed \$1,000 From Councilmember Kalb's Graffiti Abatement Mural And Green Wall Funds To Attitudinal Healing Connection For The "Oakland Super Heroes" Mural (#4) On West Street Under The Hwy 580 Underpass In Oakland; On The January 22, 2019 Special City Council Agenda
18-1294
- 4.4** Subject: Council President Appointments To Association Of Bay Area Governments
From: Council President Kaplan
Recommendation: Adopt A Resolution Reappointing Councilmember Lynette McElhaney And Appointing Councilmember Loren Taylor And Councilmember Nikki Fortunato Bas As Delegates To Represent The City Of Oakland To The Association Of Bay Area Governments (ABAG) Executive Board; On The January 22, 2019 Special City Council Agenda
18-1299
- 4.5** Subject: Appointments The National League Of Cities Conference
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing Councilmember Noel Gallo As The City Of Oakland's Conference Voting Delegate And Appointing Councilmember Loren Taylor As The City Of Oakland's First Conference Alternate Delegate To The National League Of Cities 2019 Annual Conference Taking Place In Washington D.C. From March 10 To March 13, 2019, Including Allocation Of Funding For Attending The 2019 Conference; On The January 22, 2019 Special City Council Agenda
18-1300
- 4.6** Subject: Executive Board Of The East Bay Community Energy Authority Joint Powers
From: Council President Rebecca Kaplan
Recommendation: Adopt A Resolution Reappointing Council President Pro Tempore Dan Kalb To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) And Appointing Council President Rebecca Kaplan As An Alternate To The Executive Board Of The East Bay Community Energy Authority Joint Powers Authority (EBCEA) For Terms Commencing February 4, 2019; On The January 22, 2019 Special City Council Agenda
18-1301

- 4.7** Subject: Appointments To Alameda County Transportation Commission
From: Council President Kaplan
Recommendation: Adopt A Resolution Reappointing President Rebecca Kaplan, And Appointing Councilmember Sheng Thao To The Alameda County Transportation Commission, And Appointing President Pro Tempore Dan Kalb To Serve As Alternate To The Alameda County Transportation Commission (“ACTC”) Commencing February 4, 2019; On The January 22, 2019 Special City Council Agenda
18-1302
- 4.8** Subject: Oakland-Alameda County Coliseum Authority Board Of Commissioners
From: Council President Kaplan
Recommendation: Adopt A Resolution Appointing A Community Member To The Oakland-Alameda Coliseum Authority Board Of Commissioners As Follows - Appointing Christin Hill For The Term Beginning October 9, 2017 And Ending October 8, 2019; On The January 22, 2019 Special City Council Agenda
18-1303
- 4.9** Subject: OPEB Funding Policy
From: Finance Department
Recommendation: Adopt A Resolution Adopting The Other Post-Employment Benefits (OPEB) Funding Policy Of The City Of Oakland; On The January 29, 2019 Special Finance And Management Committee Agenda
18-1277

4.10 Subject: Master Lease 4.0 And Request To Add Two Heavy Equipment Mechanics
From: Oakland Public Works
Recommendation: Adopt A Resolution Authorizing 1. The City Administrator Or Designee To Negotiate And Execute A Master Lease Purchase Agreement (Master Lease 4.0) With A Financial Institution Selected Through The Competitive Bidding Process In An Amount Not To Exceed Sixteen Million Dollars (\$16,000,000.00) For A Term Not To Exceed 10-Years And An Interest Rate Not To Exceed Five Percent (5%) To Purchase Vehicles And Related Equipment; 2. Oakland Public Works To Purchase Master Lease And Non-Master Lease Vehicles And Related Equipment, Without Returning To Council, Through (A) Agreements With One Or More Vendors Selected Through A Competitive Request For Proposal/Qualifications Process, And (B) Waiver Of Advertising And Competitive Bidding To Utilize Cooperative Purchasing Agreements Or When The Purchase Can Only Be Transacted Through A Sole Source Agreement; 3. An Adjustment Of Oakland Public Works' Fiscal Year 2019-2020 And 2020-2021 Operating Budgets By Appropriating Funds And Increasing Revenue And Expenditures Equivalent To Master Lease 4.0 In An Amount Of Eight Million One Hundred Thousand Dollars (\$8,100,000.00) In Fiscal Year 2019-2020 And Seven Million Nine Hundred Thousand Dollars (\$7,900,000.00) In Fiscal Year 2020-2021, For A Total Amount Not To Exceed \$16,000,000.00; And 4. Oakland Public Works' Equipment Services Division To Add Two (2) Full-Time Equivalent (FTE) Heavy Equipment Mechanics In Fiscal Year 2019-2020 To Support Past, Current And Proposed Fleet Additions Within The Police Department, Fire Department, Department Of Transportation And Oakland Public Works; On The January 29, 2019 Special Finance And Management Committee Agenda
18-1278

4.11 Subject: Concrete Construction For Pavement Rehabilitation Project
From: Transportation Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To (Gruendl DBA) Ray's Electric, The Lowest Responsive, Responsible Bidder, For Concrete Construction For Pavement Rehabilitation Project (Project No. 1004261) In Accordance With Specifications For The Project And With Contractor's Bid In The Amount Of One Million, Five Hundred Forty-Two Thousand, Four Hundred Dollars (\$1,542,400.00); On The January 29, 2018 Special Public Works Committee Agenda
18-1272

4.12 Subject: Affordable Housing Funding - City Of Oakland's Measure A1 Base Fund
From: Housing And Community Development
Recommendation: Adopt A Resolution Approving A Funding Award From The City Of Oakland's Base Allocation From The Alameda County Measure A1 Housing Bond In A Total Amount Not To Exceed \$956,341, Without Returning To Council, For The 95th & International New Construction Project Of Multifamily Affordable Housing; On The January 29, 2019 Special Community And Economic Development Committee Agenda
18-1273

4.13 Subject: Appropriation And Use Of Neighborhood Stabilization Program Income
From: Housing And Community Development
Recommendation: Adopt A Resolution 1. Authorizing The Use Of \$1,911,049 In Loan Repayment Funds And Future Repayments From The Neighborhood Stabilization Program To Fund Rehabilitation Projects In Housing And Community Development's Residential Lending And Rehabilitation Programs; And 2. Appropriating \$1,300,000 To Be Used By The Oakland Community Land Trust And Resources For Community Development For The Rehabilitation Of A 15-Unit Affordable Rental Project Located At 2530 9th Avenue; On The January 29, 2019 Special Community And Economic Development Committee Agenda

18-1274

4.14 Subject: Impact Fees Annual Report
From: Planning And Building Department
Recommendation: Receive An Annual Report On The Affordable Housing, Transportation, Capital Improvements, And Jobs/Housing Impact Fees; On The January 29, 2019 Special Community And Economic Committee Agenda

18-1281

4.15 Subject: Elimination Of Exemptions For Owner-Occupied Duplexes And Triplexes
From: President Pro Tempore Dan Kalb & Councilmember Noel Gallo
Recommendation: Adopt A Ordinance Amending The Rent Adjustment Ordinance (O.M.C. 8.22.020 ET SEQ) And Tenant Protection Ordinance (O.M.C. 8.22.600 ET SEQ) To Eliminate Exemptions For Owner-Occupied Duplexes And Triplexes; On The January 29, 2019 Special Community And Economic Development Committee Agenda

18-1295

4.16 Subject: Affordable Housing And Sustainable Communities Program
From: Housing And Community Development Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City To Apply For, Accept And Appropriate Loan And Grant Funds Under The State Of California's Affordable Housing And Sustainable Communities Program In Connection With The 2227 INTL Project At 2227 International Boulevard, In An Amount Not to Exceed \$20,000,000 Under The 2017-2018 Affordable Housing And Sustainable Communities Program, And Authorize Agreements With BART And AC Transit For Transportation-Related Improvements; And

18-1282

2) A Resolution Authorizing The City To Apply For, Accept And Appropriate Loan And Grant Funds Under The State Of California's Affordable Housing And Sustainable Communities Program In Connection With The 95th and International Project At 95th and International Boulevard, In An Amount Not to Exceed \$20,000,000 Under The 2017-2018 Affordable Housing And Sustainable Communities Program, And Authorize Agreements With BART And AC Transit For Transportation-Related Improvements; And

18-1283

3) A Resolution Authorizing The City To Apply For, Accept And Appropriate Loan And Grant Funds Under The State Of California's Affordable Housing And Sustainable Communities Program In Connection With The Fruitvale Transit Village IIB Project At 35TH Avenue And East 12th Street, In An Amount Not to Exceed \$20,000,000 Under The 2017-2018 Affordable Housing And Sustainable Communities Program, And Authorize Agreements With BART And AC Transit For Transportation-Related improvements; And
18-1284

4) A Resolution Authorizing The City To Apply For, Accept And Appropriate Loan And Grant Funds Under The State Of California's Affordable Housing And Sustainable Communities Program In Connection With The West Oakland TOD Project At The West Oakland BART Station, In An Amount Not to Exceed \$19,000,000 Under The 2017-2018 Affordable Housing And Sustainable Communities Program, And Authorize Agreements With BART And AC Transit For Transportation-Related Improvements; And
18-1285

5) A Resolution Authorizing The City To Apply For, Accept And Appropriate Loan And Grant Funds Under The State Of California's Affordable Housing And Sustainable Communities Program In Connection With The 7th and Campbell Project At 7th Street And Campbell Street, In An Amount Not to Exceed \$12,000,000 Under The 2017-2018 Affordable Housing And Sustainable Communities Program, And Authorize Agreements With BART And AC Transit For Transportation-Related Improvements; On The January 29, 2019 Special Community And Economic Development Committee Agenda
18-1286

4.17 Subject: Library Grants From Friends Of The Oakland Public
From: Oakland Public Library
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For And Accept Grants, Gifts And Donations From The Friends Of The Oakland Public Library, Including Donations Of Money, Goods, And In-Kind Services, In The Cumulative Amount Not-To-Exceed \$3,000,000 Through June 30, 2022; And Appropriate Said Funds For Library Services; On The January 29, 2019 Special Life Enrichment Committee Agenda
18-1276

4.18 Subject: OFCY School-Based After School Strategy Grantee Changes
From: Human Services Department
Recommendation: Adopt A Resolution Amending Resolution No. 87222 C.M.S. Regarding Oakland Fund For Children And Youth (OFCY) 2018-2019 Grants For Children And Youth Services To (1) Amend Grant ID No. 46 To Delete "East Bay Asian Youth Center" And Replace It With "Girls Incorporated Of Alameda County" As The Awardee Of Grant ID No. 46 And (2) Amend Grant ID No. 58 To Delete "Higher Ground Neighborhood Development Corp" And Replace It With "Bay Area Community Resources" As The Awardee Of Grant ID No. 58 Both Without Change To The Amounts; On The January 29, 2019 Special Life Enrichment Committee Agenda
18-1279

- 4.19** Subject: OPD ACSO EBRCSA MOU
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And The Alameda County Sheriff's Office (ACSO) Establishing Clear Guidelines For ACSO Use Of OPD East Bay Regional Communications System Authority (EBRCSA) Frequencies To Facilitate Interagency Communication; On The January 29, 2019 Special Public Safety Committee Agenda
18-1275
- 4.20** Subject: Unapproved Surveillance Technology Usage For December 15-16, 2018
From: Oakland Police Department
Recommendation: Receive An Informational Report From The Oakland Police Department With Information Regarding Usage Of Unapproved Surveillance Technology For December 15-16, 2018; On The January 29, 2018 Special Public Safety Committee Agenda
18-1297
- 4.21** Subject: Concerns With Potential Changes To The Community Reinvestment Act
From: Council President Kaplan
Recommendation: Adopt A Resolution Addressing Concerns Regarding The Office Of The Comptroller Of Currency's Advance Notice Of Rulemaking Regarding The Community Reinvestment Act (CRA); On The January 24, 2019 Rules And Legislation Committee Agenda
18-1296
- 4.22** Subject: Resolution In Support Of Oakland Public School Teachers
From: Council President Kaplan
Recommendation: Adopt A Resolution Expressing Support For Oakland Unified School District ("OUSD") Teachers In Improving Their Working Conditions And Urging The Oakland Unified School Board To Ensure Vital Public Needs Are Met And To Seek To Avoid Closing Public Schools And To Provide All Schools The Resources To Help Students Thrive; On The January 31, 2019 Rules And Legislation Committee Agenda
18-1298
- 5** A Review Of The Council Committees' Actions From The Meetings Of January 15, 2019 And Determination Of Scheduling To The City Council Meeting Of January 22, 2019.
[18-1246](#)
Attachments: [View Report](#)
- 6** A Review Of The Draft Agendas For The Special Council Committee Meetings Of January 29, 2019 And The Rules And Legislation Committee Of January 31, 2019
[18-1247](#)
Attachments: [View Report](#)

7 Subject: Support For Green New Deal Resolution
 From: Councilmember Kalb And Kaplan
 Recommendation: Adopt A Resolution Supporting A Green New Deal And Encouraging The United States Congress To Solve Human-Caused Climate Change Through Transitioning To A Clean Energy Economy, Phasing Out The Burning Of Fossil Fuels, Increasing Democratic Control Over Our Energy System, And Directing The City Administrator To Incorporate, To The Extent Practicable, Principles Of The Green New Deal Into The Energy And Climate Action Plan For Oakland
[18-1197](#)

Attachments: [View Report](#)

Pursuant to Rule 28 of Resolution 87044 C.M.S., this item was added to this agenda.

Legislative History

12/6/18	*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.

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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.**