



# 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 and Legislation Committee - CANCELLED

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Thursday, October 10, 2019

10:45 AM

City Council Chamber, 3rd Floor

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**THIS MEETING HAS BEEN CANCELLED DUE TO A LACK OF QUORUM**

#### **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**

[18-2269](#)

**Attachments:**

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[View Supplemental Report 10/4/2019](#)

#### **2 Approval Of The Draft Minutes From The Committee Meeting Of September 26, 2019**

[18-2270](#)

**Attachments:**

[View Report](#)

**3** Determination Of Schedule Of Outstanding Committee Items

[18-2271](#)

Attachments: [View Report](#)

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

[18-2272](#)

Attachments: [View Report](#)

**4.1** 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**

**4.2** 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 EDL, 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): On The November 5, 2019 City Council Agenda

**18-2337**

- 4.3** Subject: Operation And Management Of Montclair Parking Facilities  
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; On The October 22, 2019 Public Works Committee Agenda  
**18-2334**

- 4.4** Subject: Surplus Lands Act Noticing  
From: Office Of The City Attorney  
Recommendation: TITLE CHANGE

[OLD TITLE]

Adopt A Resolution Waiving Attorney-Client Privilege For Certain Legal Opinions On The Applicability Of The California Surplus Land Act To City Real Property Transactions

[NEW TITLE]

Adopt A Resolution Of The Council To Adopt A Policy Favoring Issuing Surplus Lands Act Notices Broadly, And Authorizing The Issuing Of Such Notices; On The November 12, 2019 Life Enrichment Committee Agenda

[15-0375](#)

**Sponsors:** Office Of The City Attorney

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

**Legislative History**

12/3/15	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
12/8/15	Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council	Withdrawn with No New Date

- 4.5** Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Funding  
From: Oakland Fire Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee To: 1) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate FEMA Funds For The Period September 1, 2019 To August 31, 2022, In The Amount Of \$1,235,104 To Meet Continuing Management, Training And Equipment Needs Of The Oakland Fire Department's Urban Search And Rescue (US&R) California Task Force Four (CA-TF4) And Any Additional Supplemental Funding Not To Exceed Fifty Percent (50%) Of The Original Grant Amount, For 2019 US&R Performance Period From September 1, 2019 To August 31, 2022 For Equipment Purchase Of The Same Term; 2) To Host The US&R Medical Team Training In June, 2012; 3) Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further City Council Approval, Including Funding For The Training And The Purchase Of Equipment From The General Services Administration (GSA) And Other Government Pricing Schedules; 4) Waiving The City's Advertising And Competitive Bidding And Purchasing Requirements For Procurement Of Equipment When Required By The Grantor 5) Approve Travel For City Personnel Who Provide Services Under The FEMA Cooperative Agreement Program On Short Notice Without Further Council Authorization; 6) Allow The City To Collect And Appropriate Revenue Received From Trainings Provided By US&R CA-TF4 And 7) Approve A Contribution From The General Purpose Fund (GPF) In An Amount Equivalent To The Internal Service Fund (ISF) Charges Affiliated With Said Grant For FY 2019-20 And FY 20-21, And To Provide A Contribution Equivalent To The ISF Charge For The Duration Of The Grant Period; On The October 22, 2019 Public Safety Committee Agenda  
**18-2335**
- 4.6** Subject: Receive An Informational Report  
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**

- 4.7 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; On The October 31, 2019 Rules And Legislation Committee Agenda And On The November 5, 2019 City Council Agenda As A Public Hearing  
**18-2332**

- 5 A Review Of The Council Committees' Actions From The Meetings Of October 8, 2019 And Determination Of Scheduling To The City Council Meeting Of October 15, 2019  
[18-2273](#)

Attachments: [View Report](#)

- 6 A Review Of The Draft Agendas For The Council Committee Meetings Of October 22, 2019 And The Rules And Legislation Committee Of October 24, 2019  
[18-2274](#)

Attachments: [View Report](#)

- 7 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](#)

Legislative History

9/19/19	*Rules & Legislation Committee <i>The Committee Approved a Title Change read into record</i>	Scheduled to the *Rules & Legislation Committee
9/26/19	*Rules & Legislation Committee <i>The Committee accepted a Title Change read into record</i>	Scheduled to the *Rules & Legislation Committee

- 8 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](#)

Legislative History

9/19/19	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
	<i>Councilmember McElhaney requested to be added as a Co-Sponsor</i>	

**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.**