



City of Oakland

Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza,
Room 201
Oakland, California 94612

Meeting Minutes - DRAFT *Rules & Legislation Committee

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

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

Thursday, March 23, 2023

10:30 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules And Legislation Committee convened at 10:35 a.m, with Councilmember Fortunato Bas presiding as Chairperson.

COMMITTEE MEMBERSHIP:

1 Roll Call / Call To Order

Excused 1 - Dan Kalb

Present 3 - Nikki Fortunato Bas, Carroll Fife, and Janani Ramachandran

2 Approval Of The Draft Minutes From The Committee Meeting Of March 2, 2023 And March 9, 2023 [23-0114](#)

Attachments: [Draft March 2, 2023 Minutes](#)

[Draft March 9, 2023 Minutes](#)

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

Excused: 1 - Kalb

Aye: 3 - Fortunato Bas, Fife, and Ramachandran

NO VOTE: 0

3 New Scheduling Items

4 Speakers Spoke On This Item In Person , 6 Speakers Spoke On This Item via Zoom

A motion was made by Carroll Fife, seconded by Janani Ramachandran, that this matter be Accepted as Amended. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Fortunato Bas, Fife, and Ramachandran

NO VOTE: 0

- 3.1** Subject: Fiscal Year 2024-28 Five-Year Financial Forecast
From: Finance Department
Recommendation: Receive An Informational Report On The City Of Oakland Five-Year Financial Forecast Prepared In Accordance With The City Of Oakland's Consolidated Fiscal Policy, Ordinance No. 13279 C.M.S.; On The April 11, 2023 Finance And Management Committee Agenda
[23-0204](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 4/11/2023

- 3.2** Subject: Oakland Redevelopment Successor Agency (ORSA) Audit Report FY 2021-22

From: Finance Department
Recommendation: Receive The Oakland Redevelopment Successor Agency (ORSA) Audit Report For The Year Ended June 30, 2022; On The April 11, 2023 Finance And Management Committee Agenda
[23-0205](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 4/11/2023

- 3.3** Subject: GoPort - 7th Street Grade Separation East Project
From: Transportation Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution: (1) Authorizing The City Administrator To Negotiate And Execute A Cooperative Agreement, Between The City Of Oakland (City), Port Of Oakland (Port), And Alameda County Transportation Commission (ACTC), For The 7th Street Grade Separation East Project (Project); And (2) Authorizing The City Administrator To Negotiate And Execute A Construction Memorandum Of Understanding, Between The City, Port, And ACTC, For The Project; And (3) Authorizing The City Administrator To Negotiate And Execute An Amended Reimbursement Cooperative Agreement (A19-0028) Between The City And ACTC; And (4) Adopting California Environmental Quality Act Findings; And
[23-0202](#)

A title change was read into record

This City Resolution be Scheduled.to go before the * Public Works And Transportation Committee to be heard 4/11/2023

2) An Ordinance: (1) Authorizing The City Administrator To Negotiate And Execute A First Amendment To Indenture Dated December 23, 1930, Between Union Pacific Railroad And The City Of Oakland, To Relinquish A Portion Of The 1930 Roadway Easement, And Accept The Easements Therein, Upon Completion Of The 7th Street Grade Separation East Project Realigning 7th Street (Project); And (2) Authorizing The City Administrator To Negotiate And Execute An Assignment Agreement Between The Alameda County Transportation Commission And The City For The Assignment Of A Roadway Easement Deed, And Accept The Easements Therein, Upon Completion Of The Project; And (3) Adopting California Environmental Quality Act Findings; On The April 11, 2023 Public Works And Transportation Committee Agenda

[23-0203](#)

This Ordinance be Scheduled.to go before the * Public Works And Transportation Committee to be heard 4/11/2023

- 3.4** Subject: Award Construction Contract For Courtland Creek Restoration Project
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Award A Construction Contract That Follows All City Advertising And Competitive Bidding Requirements To The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For Project No. 1005340 Courtland Creek Restoration Project, And With The Contractor's Bid, For An Amount Not To Exceed Four Million Four Hundred Seventy-Five Dollars (\$4,000,475.00); 2) Enter Into A Cooperative Agreement With The Alameda County Flood Control And Water Conservation District (District) To Implement A Portion Of The Project On District Property; And 3) Adopt Appropriate California Environmental Quality Act Findings; On The April 11, 2023 Public Works And Transportation Committee Agenda

[23-0207](#)

This City Resolution be Scheduled.to go before the * Public Works And Transportation Committee to be heard 4/11/2023

- 3.5** Subject: Bancroft Avenue Greenway
From: Transportation Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute And File An Application For Funding For The Bancroft Avenue Greenway For Regional Discretionary Funding Under The Federal Transportation Act Or Continued Funding; Accept And Appropriate An Active Transportation Program (ATP) Grant Totaling Twenty-Nine Million Three Hundred Eleven Thousand Dollars (\$29,311,000) For The Bancroft Avenue Greenway; Commit A Match Of Up To Five Million Three Hundred Sixty-Four Thousand Dollars (\$5,364,000) In Local Funds; State The City's Intent To Complete The Project; And Adopt Appropriate California Environmental Quality Act (CEQA) Findings; On The April 11, 2023 Public Works And Transportation Committee Agenda

[23-0213](#)

This City Resolution be Scheduled.to go before the * Public Works And Transportation Committee to be heard 4/11/2023

- 3.6** Subject: Approval To Apply For California Automated Permit Processing Permit Program (CalAPP) Grant Funds
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Apply For, Accept, And Appropriate Up To A Total Of One Hundred Thousand Dollars (\$100,000) In California Automated Permit Processing Permit Program (CalAPP) Grant Funds From The State Of California Energy Commission And Adopting Appropriate California Environmental Quality Act Findings; On The April 11, 2023 Community And Economic Development Committee Agenda

[23-0201](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/11/2023

- 3.7** Subject: Covid-19 Eviction Moratorium Ramp Down And Amendments To The Just Cause Ordinance
From: Council President Fortunato Bas And President Pro Tempore Kalb
Recommendation: Adopt An Ordinance Establishing A Timeline For Termination Of The Moratorium On Residential Evictions, Rent Increases, And Late Fees Enacted In Response To The Covid-19 Pandemic (Ordinance Nos. 13589 C.M.S., 13594 C.M.S., 13606 C.M.S.); And Amending The Just Cause For Eviction Ordinance To: (1) Permanently Codify Certain Protections Established By The Moratorium; (2) Prohibit Evictions Based On Non-Payment Of Rent Where The Amount Demanded Is Less Than One Month Of Hud Fair Market Rent; (3) Require Landlords To Demonstrate Substantial Damage Before Evicting Tenants For Breach Of Lease; (4) Conform Occupancy Limitations To State Law; (5) Limit Evictions Of Resident Managers With Pre-Existing Tenancies; And (6) Make Other Non-Substantive Clarifying Amendments; On The April 11, 2023 Community And Economic Development Agenda

[23-0216](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/11/2023

- 3.8** Subject: OPD State COPS Grant XXV
Form: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept And Appropriate The Fiscal Year (FY) 2023 State Of California "Citizens Options For Public Safety " (State COPS Grant XXV) Allocation In The Amount Of Six Hundred Fifty-Five Thousand Five Hundred Seventy-Nine Dollars (\$655,579) Plus Accrued Interest Earnings, Of Up To Ten Thousand Dollars For A Total Amount Not To Exceed Six Hundred Sixty-Five Thousand Five Hundred Seventy-Nine Dollars (\$665,579) To Fund Body Armor For The SWAT Team, Helicopter Maintenance, Records Division Workstations, Micro TraumaPak Kits, Medical Training Supplies And Equipment: On The April 11, 2023 Public Safety Committee Agenda

[23-0214](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 4/11/2023

- 3.9** Subject: Grant Agreement Between State Of CA And MACRO Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into An Agreement With The Department Of Health And Human Services (HHS) Substance Abuse And Mental Health Services Administration To Receive Grant Funds (SAMHSA GRANT) In The Amount Of Seven Hundred And Thirty-Four Thousand (734,000) Dollars; (2) Accept, Appropriate, And Administer Said SAMHSA Grant To Fund The Mobile Assistance Community Responders Of Oakland ("MACRO") Program Costs Including Equipment, Uniforms, And Software; On The April 11, 2023 Public Safety Committee Agenda
[23-0217](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 4/11/2023

- 3.10** Subject: Resolution Recognizing A'Janee Landingham
From: Councilmember Fife And Office Of The City Clerk
Recommendation: Adopt A Resolution Recognizing And Honoring The Inimitable A'Janee Landingham For Her Years Of Dedicated And Impactful Service To The City Of Oakland And Its Residents In Her Role With The Office Of The City Clerk And Wishing Her Continued Success In Her Future Endeavors; On The April 18, 2023 City Council Agenda On Consent
[23-0215](#)

On 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 4/18/2023

- 3.11** Subject: Fiscal Year 2022-23 Cultural Funding Grants - Round Two
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution Awarding Grants To Forty (40) Oakland-Based Nonprofit Organizations And Individual Artists Providing Arts And Cultural Services In Oakland For Fiscal Year 2022-2023 (Round Two), In A Total Amount Not To Exceed Six Hundred Thousand Dollars (\$600,000); On The April 25, 2023 Life Enrichment Committee Agenda
[23-0212](#)

This City Resolution be Scheduled.to go before the *Life Enrichment Committee to be heard 4/25/2023

3.12 Subject: Brooklyn Basin Marina Expansion Project
 From: Planning And Building Department
 Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Certifying The Brooklyn Basin Marina Expansion Project Supplemental Environmental Impact Report (SEIR) And Making Certain Findings Concerning Environmental Impacts, Mitigation Measures, And Alternatives, And Adopting A Mitigation Monitoring And Reporting Program (MMRP), All In Accordance With The California Environmental Quality Act;

[23-0206](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/25/2023

2) A Resolution Approving Text Amendment To The General Plan Estuary Policy Plan To Increase The Maximum Average Density In The Estuary Policy Plan Planned Waterfront Development-4 (PWD-4) Land Use Designation In Connection With The Brooklyn Basin (Formerly Oak-To Ninth Avenue Mixed Use Development) Project; And Making Appropriate California Environmental Quality Act Findings;

[23-0208](#)

This City Resolution be Rescheduled.to go before the *Community & Economic Development Committee to be heard 4/25/2023

3) An Ordinance Approving Zoning Text Amendment To Increase The Maximum Average Density And Modify The Parking Requirements In The Oak To Ninth (D-OTN) Zone; And Making Appropriate California Environmental Quality Act Findings;

[23-0209](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/25/2023

4) An Ordinance Authorizing The City Administrator To Execute A Third Amendment To The Development Agreement For The Brooklyn Basin (Formerly The Oak-To-Ninth Avenue Mixed Use Development) Project Between The City Of Oakland And Zarsion-OHP I, LLC; And Making Appropriate California Environmental Quality Act Findings; And

[23-0210](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/25/2023

5) A Resolution Revising The Preliminary Development Plan (PDP) For The Brooklyn Basin (Formerly The Oak-To-Ninth Mixed Use Development) Project; And Making Appropriate California Environmental Quality Act Findings; On The April 25, 2023 Community And Economic Development Agenda And On The May 2, 2023 City Council Agenda As A Public Hearing

[23-0211](#)

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 4/25/2023

3.13 Subject: FY 2023 Quarterly Overtime Report From The Oakland Fire Department
From: Oakland Fire Department
Recommendation: Receive An Informational Report From The Oakland Fire Department On The Use Of Overtime During The First And Second Quarter Of Fiscal Year 2023, That Includes Additional Information On Overtime Policy, Use, And Accountability; On The May 9, 2023 Finance And Management Committee Agenda And On The May 16, 2023 City Council Agenda On Consent

[23-0218](#)

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 5/9/2023

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings
[23-0115](#)

Attachments: [March 28, 2023 Finance And Management Committee Agenda](#)
[CANCELLED March 28, 2023 Public Works Committee Meeting](#)
[March 28, 2023 Community And Economic Development Committee Agenda](#)
[CANCELLED MARCH 28, 2023 Life Enrichment Committee Meeting](#)
[March 28, 2023 Public Safety Committee Agenda](#)
[March 30, 2023 Rules And Legislation Committee Agenda](#)
[Finance And Management Pending List](#)
[Public Works And Transportation Pending List](#)
[Community And Economic Development Pending List](#)
[Life Enrichment Pending List](#)
[Education Partnership Committee Pending List](#)
[Public Safety Pending List](#)
[Rules And Legislation Pending List](#)
[CANCELLED April 4, 2023 City Council Agenda](#)
[CANCELLED April 6, 2023 Rules And Legislation Committee Meeting](#)

2 Speakers Spoke On This Item

A motion was made by Carroll Fife, seconded by Janani Ramachandran, that this matter be Accepted as Amended. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Fortunato Bas, Fife, and Ramachandran

NO VOTE: 0

AT THE CALL OF THE CHAIR THE MARCH 28, 2023 PUBLIC SAFETY COMMITTEE MEETING WILL BE HELD AT 4:00 P.M.

CHANGES MADE TO THE PUBLIC WORKS AND TRANSPORTATION COMMITTEE PENDING LIST

Subject: Waterfront Trails Update
From: Public Works Department
Recommendation: Receive An Informational Report On The Status Of Oakland Waterfront Bay Trail Implementation; On The March 28, 2023 Public Works And Transportation Committee Agenda
[23-0157](#)

This Informational Report be Scheduled to go before the * Public Works And Transportation Committee to be heard 5/9/2023

Subject: CalTrans Annual Progress Report
From: Office Of The City Administrator
Recommendation: Receive The Annual Progress Report On Caltrans Maintenance Activities In The City Of Oakland From The City Administrator's Office
[23-0196](#)

This Informational Report be Scheduled.to go before the * Public Works And Transportation Committee to be heard 5/9/2023

CHANGES MADE TO THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE PENDING LIST

Subject: New Advertising Signs Municipal Code Amendments
From: Councilmember Gallo, Councilmember Kaplan, And Council President Bas
Recommendation: Adopt An Ordinance (1) Amending Oakland Planning Code Section 17.104.060 To Specify Regulations And Procedures For Advertising Signs, (2) Adding Chapter 5.97 To The Oakland Municipal Code Establishing Application Processes For New Advertising Signs, (3) Amending Title 14 Of The Oakland Municipal Code To (A) Specify Agreement Types For New Advertising Signs (B) Create Application Requirements, Physical Standards And Operational Standards For New Advertising Signs, And (C) Strike Outdated Or Non-Applicable Sections Of Title 14; And (4) Making Appropriate California Environmental Quality Act Exemption Findings
[22-0898](#)

Attachments: [NO WRITTEN MATERIAL WAS SUBMITTED](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 5/9/2023

CHANGES MADE TO THE PUBLIC SAFETY COMMITTEE PENDING LIST

On Page 2 of the Public Safety Pending List, Under Bi-Monthly, Quarterly Reports, and Bi-Annual Reports

Item No. 2 'Quarterly Informational Report From the Police Department On Recruiting and Police Staffing Levels' was scheduled to return as a bi-annual, to be reported out in September and April ; and

Item No. 3 'Quarterly Informational Report From The Oakland Police Department On Crime Data' was scheduled to return as a bi-annual, to be reported out in July and January

5 Determinations Of Closed Session

Closed Session will take place on Thursday, March 30, 2023

2 Speakers Spoke On This Item

A motion was made by Carroll Fife, seconded by Janani Ramachandran, that this matter be Accepted. The motion carried by the following vote:

Excused: 1 - Kalb

Aye: 3 - Fortunato Bas, Fife, and Ramachandran

NO VOTE: 0

Open Forum

2 Speakers Spoke During Open Forum

Adjournment

There being no further business, the Oakland City Council Rules And Legislation Committee adjourned the meeting at 11:42 a.m.

Americans With Disabilities Act

If you need special assistance, including translation services 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.

Oakland's Mask Mandate For Everyone Ages 6 And Older Inside City Facilities: The City Will Continue To Make Masks Available To Patrons Of Our Buildings That May Not Arrive With One.

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.