

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, September 23, 2021

10:30 AM

Please See The Agenda To Participate In the Meeting

Virtual Tele - Conference Via Zoom

***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 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting 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 the Agenda Management Unit at cityclerk@oaklandca.gov

- Office of the City Clerk

The Oakland City Council Rules & Legislation Committee convened at 10:32 A.M. with President Pro tempore Thao presiding as Chairperson.

COMMITTEE MEMBERSHIP:

Roll Call / Call To Order

Present 4 - Sheng Thao, Nikki Fortunato Bas, Carroll Fife, and Dan Kalb

1 PUBLIC COMMENT:

COMMENT ON ALL ACTION ITEMS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

There was 9 Public Comment Speakers

2 There Are No Draft Minutes For Committee Approval

3 New Scheduling Items

DUE TO THE PRESENCE OF VICE MAYOR KAPLAN, 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 10:52 A.M.

A motion was made that this matter be Approve with the following amendments. The motion carried by the following vote:

Aye: 4 - Thao, Fortunato Bas, Fife, and Kalb

NO VOTE: 0

- 3.1** Subject: Report On Independent Investigation On Bey Cases
From: Vice Mayor Kaplan
Recommendation: Receive An Informational Report On The Investigation Into The Bey Cases, And Discuss Recommendations For Action To Bring About Reconciliation And Restoration
[20-0692](#)

Attachments: [View Report](#)
[View Supplemental Report - 5/7/2021](#)
[View Supplemental Report - 5/14/2021](#)
[View Supplemental Report Oakland's Black Officers Association - 5/14/2021](#)
[View Supplemental Report - 7/2/2021](#)

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 11/9/2021

3.2 Subject: Inter-Agency Report On Project Labor Agreements And Racial Equity Analysis
From: Department Of Race And Equity
Recommendation: Receive A Report And Recommendations Regarding (1) The Project Labor Agreement (PLA) Report Prepared By The Estolano Advisors And Related Racial Equity Impact Analysis And (2) Recommendations To Guide Next Steps On Consideration Of A City-Wide PLA
[21-0690](#)

Attachments: [View Report](#)
[View Report Attachment A](#)
[View Report Attachment B](#)

Approved As Non-Consent

This Report and Recommendation be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/5/2021

3.3 Subject: As Part Of National Hispanic Heritage Month, Honoring Hispanic/ Latinx Community Leaders
From: Councilmember Gallo
Recommendation: Adopt A Resolution, As Part Of National Hispanic Heritage Month, Honoring Hispanic/ Latinx Community Leaders In All Council Districts For Their Continual Year-Round Work; On The October 5, 2021 City Council Agenda As A Ceremonial
[21-0691](#)

Approved to be scheduled to October 19, 2021

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/19/2021

3.4 Subject: Formation Of A Regional Vegetation Management Joint Powers Agency (EBVMJPA)
From: Councilmember Kalb And President Pro Tempore Thao
Recommendation: Adopt A Resolution Authorizing The City Administrator To Participate In The Formation Of A Regional Vegetation Management Joint Powers Agency (EBVMJPA) To Address Wildfire Prevention In The East Bay
[21-0698](#)

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

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/5/2021

- 3.5** Subject: Resolution Declaring October 6th 2021 A “Clean Air Day”
From: Councilmembers Kalb
Recommendation: Adopt A Resolution Declaring October 6th 2021 A “Clean Air Day” In The City Of Oakland And Asking All City Department Heads To Determine How Their Departments Can Participate In Clean Air Day, As Appropriate, And Encourage All Residents, Businesses, Employees, And Community Members To Participate In Clean Air Day And Help Clear The Air For All Californians
[21-0700](#)

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

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/5/2021

- 3.6** Subject: Increasing Contracting Opportunities
From: Office Of The City Administrator
Recommendation: Receive An Informational Report On The City’s Work In Improving Contracting Opportunities For Local, Small, Women And Minority-Owned Businesses
[21-0697](#)

The Rules And Legislation Committee approved the Title Changes read into record

This Informational Report be Scheduled.to go before the *Finance & Management Committee to be heard 10/11/2021

- 3.7** Subject: Report On Outside Law Enforcement Agencies
From: Councilmember Fife
Recommendation: Receive An Oral Report From The City Administrator Regarding The Presence And Operations Of Outside Law Enforcement Agencies, Including The Federal Bureau Of Investigation (FBI) And California Highway Patrol (CHP), In The City Of Oakland; Including Any Information Related To The Recent Killing Of Michael Jonathan Cortez By An FBI Agent, The Existence Of Any Contracts Or Use Of Public Dollars To Support These Outside Agencies, How Investigations Concerning These Agencies’ Activities Are Being Handled, And The City’s Public And Media Communications Policy With Regards To How These Entities Operate In Our Community
[21-0694](#)

The Rules And Legislation Committee approved the Title Change making the item an Oral Report

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 10/12/2021

3.8 Subject: Informational Report On OPD Instagram Case
From: Vice Mayor Kaplan And Councilmember Fife
Recommendation: Receive An Informational Report Regarding The “Order Re: Conclusions And Recommendations Stemming From Internals Affairs Case No. 21-0028 The Instagram Investigation,” Which Was Ordered In The United States District Court Of Northern California On September 20, 2021 By Judge William K. Orrick
[21-0699](#)

Sponsors: Fife and Kaplan

Attachments: [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Attachment C](#)
[View Attachment D](#)

A Title Change was noted

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 10/12/2021

3.9 Subject: Prohibition Against City Employees Cannabis Metabolites Testing
From: Vice Mayor Kaplan, President Pro Tem Thao, Councilmember Kalb And President Fortunato Bas
Recommendation: Adopt An Ordinance To Establish That The City Of Oakland Shall Not Have A Local Policy Of Requiring Prospective And Current City Employees To Undergo Testing Or Penalties For Off The Job Cannabis Usage - Also Known As The Presence Of Marijuana Metabolites As A Condition Of Employment; And To Clarify That When Such Is Required By A Superseding Agency (E.g., A Federal Requirement) That Oakland's Actions Shall Not Exceed The Externally Required Actions, And That Oakland Shall Advocate With Such Other Agency To Seek To End Testing And/Or Penalties For Off-The-Job Cannabis Usage; On The October 12, 2021 Public Safety Committee Agenda
[21-0696](#)

The Rules And Legislation Committee approved the item be scheduled to November 9, 2021 Public Safety Committee and adding Councilmembers Thao, Kalb and Bas as co-sponsors

This Ordinance be Scheduled.to go before the *Public Safety Committee to be heard 11/9/2021

3.10 Subject: Informational Report On The Status On Authorized Grants
From: Vice Mayor Kaplan
Recommendation: Receive A Informational Report From The City Administrator On The Status Of Council-Authorized Grants And The Process For Issuance Of Grants, Including: For Each Grant Approved By Council In Spring Of 2021, Whether All Or Part Or None Of Funds Have Been Issued, Status Of Any Remaining Steps To Be Taken And Funds To Be Issued. The Minutes Of All Meetings Of The Supporting Contracting Opportunities Committee And The Ad Hoc Subcommittee For Reviewing Contracts, Including A List Of All Contracts That Have Been Sent To Them For Review And Feedback, The Timeline For Such Feedback, And The Outcome Of Their Review And The Authorizing Information For The Creation Of Such Bodies, Who Was Selected To Serve On Them, By Whom Such Selection Was Made, Who Decided Which Contracts Would Be Sent To Them For Review, And On The Basis Of What Criteria, And The Status Of Enforcement Of Oakland's Prompt Payment Policy. And To Report On What Actions The Administration Is Taking, Through These "Committees" Or Otherwise, To Remedy The Mistreatment Of DBE Subcontractors By Prime Contractors With Whom The City Contracts; On The October 19, 2021 City Council Agenda On Non-Consent [21-0695](#)

The Rules And Legislation Committee Approved the Title Change Read into record and the item to be scheduled to Non-Consent

This Informational Report be Scheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/19/2021

3.11 Subject: Construction Innovation And Expanded Housing Options Ordinance
From: Mayor Schaaf, President Pro Temp Thao, And Councilmember Kalb
Recommendation: Adopt An Ordinance To Promote Cost-Efficient Construction Innovation And Expanded Housing Options By:

1. Amending The Oakland Planning Code (Oakland Municipal Code (OMC) Title 17) To (A) Allow Residential Occupancy Of Recreational Vehicles (RVs), Mobile Homes, And Manufactured Homes In All Zoning Districts Where Residential Uses Are Permitted, (B) Establish Density And Open Space Regulations For Efficiency Dwelling Units, And (C) Establish Height Regulations For Modular Construction;
2. Amending The Oakland Building Construction Code (OMC Chapter 15.04) To Adopt Voluntary Appendix R To The California Residential Code (Light Straw-Clay Construction);
3. Making Conforming Amendments To The Blight Ordinance (OMC Chapter 8.24), Building Maintenance Code (OMC Chapter 15.08), Affordable Housing Impact Fees Ordinance (OMC Chapter 15.72), And Transportation And Capital Improvements Impact Fees Ordinance (OMC Chapter 15.74);
4. Staying Enforcement Of OMC Sections 8.24.020(F)(2) And 8.24.020(G) For 120 Days; And
5. Exempting RV Parks Owned, Operated, And Maintained By Non-Profit Organizations For Permanent, Temporary, Or Emergency Use, Subject To The Planning Code Standards, From The Special Occupancy Parks Act (Health And Safety Code Section 18200 Et Seq) Pursuant To Health And Safety Code Section 18865.4; And Making California Environmental Quality Act Findings; On October 26, 2021 Community And Economic Development Committee Agenda And As A Public Hearing On A Future City Council Agenda
[21-0658](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/26/2021

3.12 Subject: Termination Of RV Pilot Program
From: Mayor Schaaf, President Pro Temp Thao And Councilmember Kalb
Recommendation: Adopt And Ordinance Amending Section 5.72.190 Of The Oakland Municipal Code (OMC) To Terminate The Recreational Vehicle (RV) On Undeveloped Property Pilot Program On December 31, 2021; And Making California Environmental Quality Act Findings; On The October 26, 2021 Community And Economic Development Committee Agenda And As A Public Hearing On A Future City Council Agenda
[21-0660](#)

This Ordinance be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/26/2021

3.13 Subject: Amendment To Rent Adjustment Ordinance To Include Vehicular Residential Facilities
 From: Mayor Schaaf, President Pro Tem Thao And Councilmember Kalb
 Recommendation: Adopt An Ordinance To Amend The Rent Adjustment Ordinance (Oakland Municipal Code Chapter 8.22) To Add Vehicular Residential Facilities As Covered Units; On The October 26, 2021 Community And Economic Development Committee Agenda And As A Public Hearing On A Future City Council Agenda
[21-0661](#)

This Ordinance be Scheduled to go before the *Community & Economic Development Committee to be heard 10/26/2021

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings
[21-0616](#)

- Attachments:** [View Previously Distributed September 27, 2021 Community And Economic Development Committee Agenda](#)
[View Previously Distributed September 27, 2021 Education Partnership Committee Agenda](#)
[View Previously Distributed September 28, 2021 Life Enrichment Committee Agenda](#)
[View Previously Distributed September 30, 2021 Rules And Legislation Committee Agenda](#)
[View Finance & Management Committee Pending List](#)
[View Public Works Committee Pending List](#)
[View Community & Economic Development Committee Pending List](#)
[View Life Enrichment Committee Pending List](#)
[View Education Partnership Committee Pending List](#)
[View Public Safety Committee Pending List](#)
[View Rules & Legislation Committee Pending List](#)
[View Draft October 5, 2021 City Council Agenda](#)
[View Draft October 7, 2021 Rules And Legislation Committee Agenda](#)

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

Aye: 4 - Thao, Fortunato Bas, Fife, and Kalb

NO VOTE: 0

CHANGES MADE TO DRAFT AGENDAS, PENDING LISTS AND COUNCIL & COMMITTEE MEETINGS

CHANGES MADE TO PREVIOUSLY DISTRIBUTED AGENDAS

Changes Made To The September 27, 2021 Life Enrichment Committee:

The Rules And Legislation Committee Approved The Cancelling Of The September 27, 2021 Life Enrichment Committee

This be Accepted.

Subject: Love Life Resolution Update
From: President Pro Tempore Thao
Recommendation: Receive A Report And Recommendations From The City Administrator Regarding The Action Plan To Implement The City's Motto "Love Life" With Public Agency Partners
[21-0581](#)

Attachments: [View Report](#)

Approved to be scheduled to Non - Consent

This Report and Recommendation be * Withdrawn and Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 10/5/2021

CHANGES MADE TO THE PENDING LIST

Changes Made To The Finance And Management Pending List:

Subject: Vacancy Rates Of Departments Of Transportation, Planning And Building, And Public Works
From: President Pro Tempore Thao
Recommendation: Receive An Informational Report From The City Administrator Regarding The Vacancy Rates Of The Departments Of Transportation, Planning And Building, And Public Works And The Vacancy Rates Of Similar Departments Of Local Public Entities
[21-0585](#)

This Informational Report be * Withdrawn and Rescheduled.to go before the *Finance & Management Committee to be heard 11/8/2021

Changes Made To The Public Works Pending List:

The Rules And Legislation Committee Approved The Cancelling Of The October 26, 2021 Public Works Committee

This be Approve with the following amendments.

Subject: Compliance With Senate Bill 1383 To Reduce Greenhouse Gas Emissions
From: Oakland Public Works
Recommendation: Adopt The Following Pieces Of Legislation;

- 1) An Ordinance Opting-In To The Alameda County Waste Management Authority's (WMA) Organics Reduction And Recycling Ordinance (ORRO) 2021-01; And [21-0652](#)

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Public Works Committee

- 2) An Ordinance To Amend Oakland Municipal Code 8.28 ("Solid Waste Collection And Disposal And Recycling") To Make Conforming Amendments For Consistency With WMA ORRO Ordinance 2021-01; And **21-0653**

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Rules & Legislation Committee

- 3) An Ordinance Amending Oakland Municipal Code Chapter 15.34 ("Construction And Demolition Debris Collection, Transportation, Waste Reduction And Recycling Requirements"), To Comply With SB 1383 Regulations CCR 14, Section 18989.1(a)(2), (The Short-Lived Climate Pollutant Reduction Act Of 2016) Which Require Compliance With The Requirements Of CALGreen Sections 5.408.1 And 4.408.1 To Divert 65% Of Construction And Demolition Debris; And [21-0654](#)

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Public Works Committee

4) An Ordinance Amending Oakland Planning Code Chapter 17.118 (“Recycling Space Allocation Requirements”), To Comply With SB 1383 Regulations CCR 14 Section 18989.1(a)(2), (The Short-Lived Climate Pollutant Reduction Act Of 2016) Which Require Compliance With The Requirements Of CALGreen Sections 4.410.2 - Recycling By Residential Occupants And Section 5.410.1- Recycling By Non-Residential Occupants To Require Space For Organics Containers In New Or Renovated Multi-Family And Commercial Buildings As An Addition To The Current Requirement For Space For Recycling Containers; And

[21-0655](#)

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Public Works Committee

5) An Ordinance Amending Oakland Municipal Code By Adding Chapter 18.01 (“Water Efficient Landscaping Ordinance”), To Comply With The State Requirement To Promote Water Conservation And Efficient Use Of Water In Landscaping; And

[21-0656](#)

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Public Works Committee

6) Findings Of The California Department Of Resources, Recycling And Recovery (CalRecycle) Short-Lived Climate Pollutants (SLCP) Environmental Impact Report (EIR); On The October 26, 2021 Public Works Committee Agenda

[21-0657](#)

The Rules And Legislation Committee Approved to withdrawn and rescheduled this item to Public Works Pending list, No Date Specific due to the cancellation of the October 26, 2021 Public Works Committee

This Ordinance be Rescheduled.to go before the *Public Works Committee

5 Determinations Of Closed Session

Open Forum (Total Time Available: 15 Minutes)

4 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 11:43 a.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

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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.**