



# City of Oakland

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

## Meeting Minutes - FINAL \*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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### Roll Call / Call To Order

**Excused** 1 - Lynette McElhaney

**Present** 3 - Rebecca Kaplan, Sheng Thao, and Nikki Bas

### 1 Determinations Of Closed Session

[20-0158](#)

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

*There will be a Closed Session held on March 3, 2020 at 3:30 P.M.*

*There were two speakers on this item.*

**A motion was made by Rebecca Kaplan, seconded by Nikki Bas, that this matter be Accepted. The motion carried by the following vote:**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

### 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](#)

*There was 1 speaker on this item.*

**A motion was made by Rebecca Kaplan, seconded by Nikki Bas, that this matter be Accepted. The motion carried by the following vote:**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

3 Determination Of Schedule Of Outstanding Committee Items

[20-0160](#)

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

*There were no changes made to the Rules Pending List.*

*There were 2 speakers on this item.*

**A motion was made by Nikki Bas, seconded by Rebecca Kaplan, that this matter be Accepted. The motion carried by the following vote:**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

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

[20-0161](#)

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

*There were 6 speakers on this item.*

**A motion was made by Nikki Bas, seconded by Rebecca Kaplan, that this matter be Accepted as Amended. The motion carried by the following vote:**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

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, 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)

[20-0229](#)

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

[88059 CMS](#)

**This City Resolution be Scheduled to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020**

**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 His Or Her Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$2 Million Dollars Under The CalHome Program For First-Time Homebuyer Mortgage Assistance Programs; And [20-0214](#)

Attachments: [View Report](#)  
[88060 CMS](#)

*A Title Change was read into record.*

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020**

2) A Resolution Authorizing The City Administrator Or His Or Her Designee To Apply For, Accept And Appropriate Grant Funds From The California Department Of Housing And Community Development In An Amount Not To Exceed \$3 Million Dollars Under The CalHome Program For Accessory Dwelling Unit And Junior Accessory Dwelling Unit Programs [20-0215](#)

Attachments: [View Report](#)  
[88061 CMS](#)

*A Title Change was read into record.*

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020**

**4.3** Subject: 2020 California Distinguished School Awards  
From: Councilmember Bas  
Recommendation: Adopt A Resolution Honoring 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 [20-0076](#)

Attachments: [View Report](#)  
[88052 CMS](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020**

- 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  
[20-0206](#)

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

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/17/2020**

- 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  
[20-0213](#)

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

[88062 CMS](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/3/2020**

- 4.6 Subject: Fiscal Year 2018-19 Workers' Compensation Annual Report  
From: Human Resources Management Department  
Recommendation: Receive An Informational Report On The Fiscal Year 2018-19 Workers' Compensation Program  
[20-0205](#)

**This Informational Report be Scheduled.to go before the \*Finance & Management Committee to be heard 3/10/2020**

- 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)  
[20-0216](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 3/10/2020**

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](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 3/10/2020**

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](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 3/10/2020**

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

[20-0226](#)

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 3/10/2020**

- 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  
[20-0223](#)

*A Title Change was read into record.*

**This City Resolution be Scheduled.to go before the \*Public Works Committee to be heard 3/10/2020**

- 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  
[20-0212](#)

*A Title Change was read into record.*

**This City Resolution be Scheduled.to go before the \*Community & Economic Development Committee to be heard 3/24/2020**

- 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  
[20-0228](#)

**This Ordinance be Scheduled.to go before the \*Community & Economic Development Committee to be heard 3/24/2020**

- 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](#)

**This City Resolution be Withdrawn with No New Date.**

- 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 General Municipal Election, An Amendment To Article XI (Elections) Of The Charter Of The City Of Oakland To Add Section 1106 To Provide For Voting By Persons Aged 16 And Above For The Office Of School Board Director On The Oakland Unified School District Board, And Directing The City Clerk To Take All Actions Necessary Under Law To Submit This Item To The November 3, 2020 General Election

[20-0204](#)

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

**This City Resolution be Scheduled.to go before the \*Rules & Legislation Committee to be heard 3/12/2020**

- 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](#)

**This Informational Report be Scheduled.to go before the \*Rules & Legislation Committee to be heard 3/26/2020**

**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](#)

**This Report and Recommendation be Accepted.**

**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](#)

**This Report and Recommendation be Accepted.**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

**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](#)

*There were 3 speakers on this*

**A motion was made by Nikki Bas, seconded by Rebecca Kaplan, that this matter be Received and Filed. The motion carried by the following vote:**

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0



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](#)  
[View Supplemental Report - Auditors Presentation 2/20/2020](#)  
[View Supplemental Report - Kaplan](#)  
[88072 CMS](#)

*The Committee approved recommendations as amended forwarding the recommendations of The City Auditor regarding Oakland Promise, and Amending Resolution No. 85809 C.M.S. to the March 3 2020 city council agenda. The portion directing The City Administrator to enter into a memorandum of understanding (MOU) with the east bay college funds to implement The Oakland Promise Initiative will come back as a separate item.*

*There were 4 speakers on this item*

A motion was made by Rebecca Kaplan, seconded by Nikki Bas, that this matter be Approved as Amended the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 3/3/2020. The motion carried by the following vote:

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

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](#)

*There were 2 speakers on this item*

A motion was made by Rebecca Kaplan, seconded by Nikki Bas, that this matter be Received and Forwarded to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 3/3/2020. The motion carried by the following vote:

**Excused:** 1 - McElhaney

**Aye:** 3 - Kaplan, Thao, and Bas

**NO VOTE:** 0

**Open Forum (Total Time Available: 15 Minutes)**

*5 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 12:15 p.m.*

**Americans With Disabilities Act**

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**Office of the City Clerk - Agenda Management Unit**

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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.**