City of Oakland

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



Meeting Minutes - FINAL

Thursday, January 14, 2021 10:30 AM

Please See The Agenda To Participate In The Meeting

Tele-Conference

*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 Webinar 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 Asha Reed, Assistant City Clerk at AReed@oaklandca.gov.

- Office of the City Clerk

The Oakland City Council Rules & Legislation Committee convened at 10:36 p.m. with Councilmember President Pro Tempore Thao presiding as Chairperson.

COMMITTEE MEMBERSHIP:

Roll Call / Call To Order

Excused 1 - Dan Kalb

Present 3 - Sheng Thao, Nikki Bas, and Carroll Fife

1 PUBLIC COMMENT:

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

There were 3 speakers during public comment

2 Approval Of The Draft Minutes From The Committee Meeting Of December 3, 2020 20-0927

Attachments: View Report

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

Excused: 1 - Kalb

Aye: 3 - Thao, Bas, and Fife

NO VOTE: 0

3 New Scheduling Items

This be Accepted as Amended.

3.1 Subject: Resolution Endorsing AB 15, The Tenant Stabilization Act of 2021

From: Council President Bas, Councilmember Kalb And Fife

Recommendation: Adopt A Resolution Endorsing AB 15, The Tenant Stabilization Act Of 2021, And Urging Governor Newsom And The California State Legislature To Pass Assembly Bill 15 With Urgency, Without Preemption Of Critical Local Protections, Allowing City And County Governments To Address The Effects Of The Covid-19 Pandemic And Stabilize Their Communities 21-0049

Sponsors: Kalb

Attachments: View Legislation

View Report

Council President Bas made a motion seconded by President Pro Tempore Thao to approve the urgency finding on item 3.1 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Motion passed by 3 Ayes: Fife, Thao, and Fortunato Bas, 1 Excused: Kalb

Councilmember Fife requested to be added as a co-sponsor

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 1/19/2021

3.2 Subject: Police Commission Appointment

From: Office Of The Mayor

Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Marsha Peterson To Serve On The Oakland Police Commission As Alternate Commissioner 21-0031

Attachments: View Report

View Report - Resume

View Legislation

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 1/28/2021

Subject: Support Of AB 71 (Rivas) Homelessness Funding

From: Office Of The Mayor, President Pro Tem Thao, Councilmember Taylor And

President Bas

Recommendation: Adopt A Resolution In Support Of AB 71 (Rivas) To Establish A Permanent Source Of Funding To Reverse The Cycle Of Homelessness In California 21-0046

Attachments: View Report and Legislation

View Report - AB 71 Bill

View Report - ALH

View Supplemental Legislation - 1/22/2021

President Bas requested to be added as a co-sponsor

This City Resolution be Scheduled.to go before the *Rules & Legislation Committee to be heard 1/28/2021

3.4 Subject: Local Business Empowerment Through Contracting (LBETC) Costing

From: Councilmember Taylor

Recommendation: Receive An Informational Report Directing The City Administrator To Provide A Costing Analysis Including Staff Impacts And Dollar Amounts For The Local Business Empowerment Through Contracting (LBETC) Ordinance Which Amends Ordinance 13101 Which Revised Oakland's Local And Small Local Business Enterprise (L/SLBE) Program Brought To Council On December 15, 2020 And January 12, 2021 To Empower Oakland's Local And Small Business Community And Responds To The Racial And Gender Disparities Identified In The 2017 Racial And Gender Disparities Report

21-0048

Attachments: View Report

View Report - Attachment A
View Report - CM Taylor

The Committee made a motion to make the January 26, 2021 Community and Economic Development Committee be held as a Special 1:00 PM meeting

This Informational Report be Scheduled.to go before the *Community & Economic Development Committee to be heard 1/26/2021

3.5 Subject: Summary Vacation Of Public Sewer Easement At 500 Lake Park Avenue

From: Transportation Department

Recommendation: Adopt A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 500 Lake Park Avenue To The Property Owners, Lake Park Oakland EAH. LLC

21-0030

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 2/2/2021

3.6 Subject: HSIP8 High Street Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, High Street Improvement Project, Project No. 1004017, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Seven Hundred Ninety-Nine Thousand Seven Hundred Ninety-Eight Dollars (\$799,798) 21-0032

Attachments: View Report

View Report Attachment A

View Report Attachment B

View Report Attachment C

View Report Attachment D
View Report Attachment E

View Legislation

3.7 Subject: HSIP8 Bancroft Avenue Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc., Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Bancroft Avenue Improvement Project, Project No. 1004012, 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 Eighteen Thousand Eight Hundred Sixty-Seven Dollars (\$2,218,867) 21-0034

Attachments: View Report

View Report Attachment A

View Report Attachment B

View Report Attachment C

View Report Attachment D

View Report Attachment E

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 2/2/2021

3.8 Subject: HSIP8 Fruitvale Avenue Improvements

From: Transportation Department

Recommendation: Adopt A Resolution Awarding A Construction Contract To Gruendl Inc. Doing Business As Ray's Electric, For Highway Safety Improvement Program (HSIP) Cycle 8, Fruitvale Avenue Improvement Project, Project No. 1004014, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Hundred Seventeen Thousand Four Hundred Forty Dollars (\$517,440) 21-0040

Attachments: View Report

View Report Attachment A

View Report Attachment B

View Report Attachment C

View Report Attachment D

View Report Attachment E

View Legislation

3.9 Subject: Purchase Of Bike Lane Street Sweeping Equipment

From: Transportation Department

Recommendation: Adopt A Resolution Appropriating Fund Balance From Fund 2211: Measure B Local Streets And Roads In An Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000) For The Purchase Of Equipment To Sweep Bicycle Lanes In Accordance With The City's Purchasing Programs And Policies 21-0035

Attachments: View Report

View Legislation

View Supplemental Report - 1/29/2021

View Supplemental Legislation - 1/29/2021

The Committee requested this item be heard on Non-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 2/2/2021

3.10 Subject: Vacate A Portion Of King St. Between Dennison St. And Frederick St.

From: Transportation Department

Recommendation: Adopt A Resolution Conditionally Vacating A Portion Of The Public Right-Of-Way Of King Street From 5 Feet South Of Its Intersection With Dennison Street To 68.6 Feet North Of Its Intersection With Frederick Street 21-0038

Attachments: View Report

View Legislation

3.11 Subject: Local Tax Software Solution

From: Finance Department

Recommendation: Adopt A Resolution 1) Extending The Agreement With HDL Software, LLC For An Additional Three-Year Term With One Two-Year Option Upon Satisfactory Performance At The Discretion Of The City Administrator, For The On-Going Maintenance, Necessary Upgrades, Technical And Professional Support Of The Local Tax Software Solution, 2) Increasing The Estimated Annual Contract Amount To About \$180,000 Per Year For A Total Contract Increase Nine Hundred Fifty Thousand Dollars (\$900,000) For All Five Years, For A Revised Grand Contract Total Amount Not To Exceed \$2,166,703; And 3) Appropriating All Available And Future Funds As They Become Available From The Recordation And Technology Fee Fund, Without Returning To Council 21-0033

Title correction 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 2/2/2021

3.12 Subject: Termination Of Local Emergency Due To Wildfires

From: Oakland Fire Department

Recommendation: Adopt A Resolution Terminating The Existence Of A Local Emergency Within The Territorial Limits Of The City Of Oakland Due To The Health Impacts Of Major Wildfires Burning Throughout California, Oregon And The State Of Washington, As Proclaimed By The City Administrator On September 13, 2020, And Confirmed By The City Council On September 15, 2020 21-0037

<u>Attachments:</u> <u>View Report</u>

View Legislation

3.13 Subject: Affordable Housing Funding For Mark Twain Homes

From: Housing & Community Development Department

Recommendation: Adopt A Resolution Authorizing A Consolidated Affordable Housing Development Loan To Mark Twain Partners, LP, An Affiliate Of Oakland & The World Enterprises, Inc., And Memar Properties, Inc., In An Amount Not To Exceed \$4,776,000 For The Mark Twain Homes Affordable Housing Acquisition And Rehabilitation Project And Making California Environmental Quality Act Findings 21-0036

Attachments: View Report

View Legislation

The Committee Accepted a Title Change 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 2/2/2021

3.14 Subject: OFCY After School Grant To Girls Inc. Of Alameda County

From: Human Services Department

Recommendation: Adopt A Resolution Amending Resolution No. 88190 C.M.S., Which Awarded Oakland Fund For Children And Youth Grant Agreements For Fiscal Year 2020-21, To Decrease The Amount Of The Grant Award For The Burckhalter Elementary Program And To Replace Ujimaa Foundation With Girls Incorporated Of Alameda County As The Service Provider For The Burckhalter Elementary Program 21-0047

Attachments: View Report

View Report Attachment A

View Legislation

The Committee requested this item be heard on Non-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 2/2/2021

3.15 Subject: Zero Tolerance Policy For Racist, Behaviors, And Actions

From: Councilmember Taylor

Recommendation: Receive An Informational Report From The City Administrator On The Actions Taken To Address The Zero Tolerance Policy For Racist, Policies, Behaviors, And Actions Within The City Of Oakland In Light Of The Internal Investigation Launched By The Oakland Police Department Denouncing Hate Speech 21-0050

The Committee accepted a motion to waive the 2 item minimum for the February 9, 2021 Public Safety Committee Agenda

This Informational Report be Scheduled.to go before the *Public Safety Committee to be heard 2/9/2021

3.16 Subject: Impact Fees Annual Report

From: Planning & Building Department

Recommendation: Receive The Annual Report On The Affordable Housing,

Transportation, Capital Improvements, And Jobs/Housing Impact Fees; On The February

23, 2021 Community & Economic Development Committee Agenda

21-0039

This City Resolution be Scheduled.to go before the *Community & Economic Development Committee to be heard 2/23/2021

DUE TO THE PRESENCE OF COUNCILMEMBER KALB'S STAFF AND COUNCILMEMBER TAYLOR'S STAFF, 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 11:26 AM

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings 20-0935

Attachments: Draft January 25, 2021 Finance And Management Committee Agenda

<u>Draft January 26, 2021 Community And Economic Development</u>

Committee Agenda

Draft January 28, 2021 Rules And Legislation Agenda

Rules Committee Pending List

Finance And Management Committee Pending List

Public Works Committee Pending List

Community And Economic Development Committee Pending List

Life Enrichment Committee Pending List

Pending List Public Safety Committee Pending List

Previously Distributed 10-Day Rules Agenda - January 21, 2021

Previously Distributed 10-Day Council Agenda - January 19, 2021

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

Excused: 1 - Kalb

Aye: 3 - Thao, Bas, and Fife

NO VOTE: 0

CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY, PENDING LIST AND DRAFT AGENDAS

This be Accepted as Amended.

Changes Made To The January 19, 2021 City Council Agenda

This be Accepted as Amended.

Subject: Surplus Land Declaration For The Former Raiders Training Facility

From: Office Of The City Administrator

Recommendation: Adopt A Resolution Declaring The City's Undivided 50% Fee Interest In The Former Raiders Training Facility At 1150 And 1220 Harbor Bay Parkway (Assessor Parcel Numbers: 074-1361-008 And 074-1339-016) As "Surplus Land" Pursuant To Government Code Section 54220 Et Seq. (California Surplus Land Act); And 2) Authorizing The City Administrator To, Jointly With The County Of Alameda, Issue The Notice Of Availability For The Sale Of 100% Fee Title To The Property, In Compliance With The Surplus Land Act [TITLE CHANGE]

20-0894

Attachments: View Report

View Legislation

This City Resolution be * Withdrawn from January 19, 2021 City Council Agenda and Rescheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/2/2021

Subject: Emergency Paid Sick Leave Extending And Amending

From: President Pro Tempore Thao, Councilmember Kalb And Gallo

Recommendation: Adopt An Emergency Ordinance Extending And Amending Chapter 5.94 Of The Oakland Municipal Code To Extend Emergency Paid Sick Leave For Oakland Employees During The Novel Coronavirus (Covid-19) Pandemic 21-0018

Attachments: View Report

View Legislation

View Supplemental Presentation -1/15/2021

Councilmember Gallo requested to be added as a co-sponsor

This Ordinance be Accepted.

Subject: Council President Appointment To Association Of Bay Area Governments

From: Council President Bas

Recommendation: Adopt A Resolution Reappointing Councilmembers Loren Taylor And Nikki Fortunato Bas And Appointing Councilmember Carroll Fife As Delegates To Represent The City Of Oakland To The Association Of Bay Area Governments (ABAG) Executive Board And Reappointing Councilmember Dan Kalb As An Alternae

[TITLE CHANGE]

21-0028

Attachments: View Legislation

View Supplemental Report - 1/15/2021

The Committee accepted a title change read into record including Councilmember Fife and Kalb

Council President Bas made a motion seconded by President Pro Tempore Thao to approve the urgency finding on item 2.13 for the following reasons: That there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

Motion passed by 3 Ayes: Fife, Thao, and Fortunato Bas, 1 Excused: Kalb

This City Resolution 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 1/19/2021

Changes Made to the Rules Pending List

The Committee motioned to remove the item regarding "Receive an Informational Report on the 2020 City of OaklandDisparityStudy" from the Rules Pending List No Date Specific

This be Accepted as Amended.

Subject: Nullification Of Action On Measure AA From: League Of Women Voters Of Oakland

Recommendation: Adopt A Resolution To Nullify The December 14, 2018 Action To Certify Measure AA As Passed; On The February 26, 2019 City Council Agenda As A Public Hearing

18-1338

The Committee motioned to remove the item regarding "Nullification Of Action On Measure AA" from the Rules Pending List No Date Specific

This City Resolution be Withdrawn with No New Date.

Subject: Amending The City Council Rules Of Procedures From: President Pro Tem Kalb And President Kaplan

Recommendation: Adopt A Resolution Amending And Superseding The Council's Rules Of Procedure Currently Set Forth In Resolution No. 87044 C.M.S., To Adjust The Order Of Business, Begin Regular Council Meetings At 5:00 P.M., Provide For The Appointment Of A Designated Alternate For The Rules Committee, Limit Presentations To Generally 10 Minutes, And Provide Various Other Clarifications And Adjustments [TITLE CHANGE]

<u>18-1258</u>

Attachments: View Report

The Committee motioned to remove the item regarding "Amending The City Council Rules Of Procedures" from the Rules Pending List No Date Specific

This City Resolution be Withdrawn with No New Date.

Subject: The Fair And Equal Pay Act Of 2016

From: Member Of The Public

Recommendation: A Legal Analysis From The City Attorney's Office As Directed By Councilmember Larry Reid At The June 2020 Council Meeting To Present A Legal Analysis Of The Fair And Equal Pay Act Of 2016, Codified In The California Labor Code 1197.5. Followed By A Council Resolution To Pay Former Assistant City Administrator Marakeshia Smith Retroactive Salary From August 2019 To March 2020 Which Represents The Differential Desperate Pay When Then The New Assistant City Administrator Ed Reiskin Was Hired And Reported [According Zennie Abraham Podcast] To Have Been Paid \$100,000.00 (One Hundred Thounds) Dollars More Than Assistant City Administrator Marakeshia Smith Performing The Same Function; On A Council Agenda As Soon As Possible 20-0652

The Committee motioned to remove the item regarding "The Fair And Equal Pay Act Of 2016" from the Rules Pending List No Date Specific

This Report and Recommendation be Withdrawn with No New Date.

Changes Made To The January 26, 2021 Community and Economic Development Committee Agenda

This be Accepted as Amended.

Subject: Local Business Advisory Council And Staff To Address Contracting

Disparities

From: Councilmember Taylor

Recommendation: Adopt A Resolution 1) Establishing A Local Business Advisory Council To Address Race And Gender Disparities In Contracting And Procurement; And 2) Amending Resolution No. 88174 C.M.S., Which Adopted The Fiscal Year 2020-21 Mid-Cycle Budget Amendments, To Create and Fund Two Contract Compliance Officer Positions And One Administrative Assistant II Position in the Department of Workplace and Employment Standards To Implement The Local/Small Local Business Enterprise (L/SLBE) Program Enhancements Detailed In Ordinance 21-0019

This City Resolution be * Withdrawn from the January 26, 2021 Community and Economic Development Committee Agenda and Rescheduled.to go before the *Community & Economic Development Committee to be heard 2/23/2021

5 Determinations Of Closed Session

Open Forum (Total Time Available: 15 Minutes)

3 Speakers spoke during open forum

Adjournment

There being no further business, and upon the motion duly made, the Oakland City CouncilRules & Legislation Committee adjourned the meeting at 12:00 p.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 Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

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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.