



# 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

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Thursday, November 4, 2021

10:30 AM

Virtual Tele- Conference Via Zoom

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**Please See The Agenda To Participate In The Meeting**

The Oakland City Council Rules & Legislation Committee convened at 10:30 AM 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**

*5 speakers spoke during Public Comment.*

Councilmember Kalb was marked present at 10:37 AM

#### 2 Approval Of The Draft Minutes From The Committee Meeting Of October 7, 2021 [21-0818](#)

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

**This Report and Recommendation be Accepted.**

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

**NO VOTE:** 0

#### 3 New Scheduling Items

*At the call of The Council President a special City Council meeting was called for December 7, 2021 at 1PM.*

*The Rules And Legislation committee of November 11, 2021 was cancelled due to the Veterans Day Holiday.*

A motion was made by Dan Kalb, seconded by Carroll Fife, 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: Website Design And Development Services Contract Extension  
From: Office Of The City Administrator's  
Recommendation: Adopt A Resolution Waiving The Competitive Multiple-Step Solicitation Process Required For The Acquisition Of Information Technology Systems, And Authorizing The City Administrator To Amend The Professional Services Agreement With Exygy, Inc For Website Design And Development Services For The City's Website To Extend The Term By An Additional Two Years And Increase The Compensation By An Amount Not To Exceed \$498,000.00 For A Total Contract Amount Of \$747,000  
[21-0817](#)

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

*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 11/16/2021**

- 3.2** Subject: Montclair BID Annual Report & Intention To Levy FY 22-23 Assessment  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: 1) Approving The Annual Report Of The Montclair Business Improvement District Advisory Board; 2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year 2022-2023 For The Montclair Business Improvement District; And 3) Scheduling A Public Hearing For December 7, 2021  
[21-0801](#)

**Attachments:** [View Report](#)  
[View Exhibit A](#)  
[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 11/16/2021**

- 3.3** Subject: Rockridge BID Annual Report & Intention To Levy FY 22-23 Assessment  
From: Economic And Workforce Development Department  
Recommendation: Adopt A Resolution: (1) Approving The Annual Report Of The Rockridge Business Improvement District Advisory Board; (2) Declaring The Intention To Levy And Collect An Annual Assessment For Fiscal Year 2022-2023 For The Rockridge Business Improvement District; And (3) Scheduling A Public Hearing For December 7, 2021  
[21-0803](#)

**Attachments:** [View Report](#)  
[View Exhibit A](#)  
[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 11/16/2021**

- 3.4** Subject: Update From The Oakland Fire Department On The MACRO Pilot Program  
From: Oakland Fire Department  
Recommendation: Receive An Informational Report From Oakland Fire Department On The Plan For Developing A Mobile Assistance Community Responders Of Oakland (MACRO) Advisory Board And Ongoing Grant Writing Support For The Program  
[21-0825](#)

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

**This Informational Report be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/16/2021**

3.5 Subject: 465 63rd Street Appeal By Property Owner  
From: Planning And Building Department  
Recommendation: Adopt One Of The Following Three Options:

1) A Resolution Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Adopt A Resolution Denying The Appeal Of Appellant Kobie Lyons And Upholding The Decision Of The Independent Hearing Officer Regarding Housing Condition At 465 63rd Street (Complaint No. 1901763); Or [21-0826](#)

- Attachments:** [View Report](#)  
[View Attachment A](#)  
[View Attachment B](#)  
[View Attachment C](#)  
[View Attachment D](#)  
[View Attachment E](#)  
[View Attachment F](#)  
[View Attachment G](#)  
[View Attachment H](#)  
[View Attachment I](#)  
[View Attachment J](#)  
[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 11/16/2021**

Provided The City Council Can Make The Appropriate Findings:

2) A Motion Directing Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or [21-0827](#)

**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 11/16/2021**

3) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Uphold The Appeal [21-0828](#)

**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 11/16/2021**

**3.6** Subject: Oakland GO Bonds, Series 2022C (Measure KK)  
From: Finance Department  
Recommendation: Adopt An Ordinance Providing For The Borrowing Of Funds And The Issuance And Sale Of General Obligation Bonds In An Amount Not To Exceed \$220,000,000 And Approving Certain Related Matters  
[21-0831](#)

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

**This Ordinance be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/16/2021**

**3.7** Subject: Winter Relief Funding FY 21-22  
From: Human Services Department  
Recommendation: Adopt A Resolution:

(1) Accepting And Appropriating Up To One Hundred Forty Thousand Dollars (\$140,000) From Alameda County For The North County Winter Relief Efforts;

(2) Authorizing Amendment Of The Grant Agreement With East Oakland Community Project To Increase The Amount By Sixty-Seven Thousand Dollars (\$67,000) For The Provision Of Winter Shelter Beds;

(3) Authorizing Amendment Of The Grant Agreement With St. Mary's Center To Increase The Amount By One Hundred Thousand Dollars (\$100,000) For The Provision Of Street Based Housing Navigation Services And Hotel Vouchers For Seniors During Winter Months;

(4) Authorizing Amendment Of The Grant Agreement With The Society Of Saint Vincent De Paul To Increase The Amount By One Hundred Thirty-Three Thousand One Hundred Ninety-Three Dollars (\$133,193) For The Provision Of Additional Shelter Beds During Winter Months; And

(5) Authorizing The City Administrator To Accept And Appropriate Any Additional Funds Awarded By Alameda County For The Provision Of Fiscal Year 2021- 22 North County Winter Relief Efforts And To Amend The Above-Mentioned Grant Agreements To Increase The Amounts Using Any Additional Funds, Without Returning To Council  
[21-0834](#)

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

***This item was placed on the 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 11/16/2021**

**3.8** Subject: Michele Williams V. City Of Oakland  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Michele Williams V. City Of Oakland, And Does 1 Through 20, Alameda County Superior Court Case No. Rg19042561, City Attorney's File No. 30925, In The Amount Of Four Hundred Thousand Dollars And Zero Cents (\$400,000.00) (Department Of Public Works - Negligence)  
[21-0835](#)

**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 11/16/2021**

**3.9** Subject: Claim Of Trinette Gist Skinner  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Trinette Gist Skinner, Department Of Fair Employment And Housing Complaint No. 202003-09593013, City Attorney's File No. Ofd-130107, In The Amount Of One Hundred Thirty Thousand Dollars And No Cents (\$130,000.00) Alleging Discrimination, Harassment And Retaliation Based On Gender And Race (Fire Department - Personnel/Discrimination)  
[21-0836](#)

**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 11/16/2021**

**3.10** Subject: 2022 State And Federal Legislative Agenda  
From: Office Of The Mayor  
Recommendation: Receive An Informational Report On The Proposed 2022 State And Federal Legislative Agenda And Summary Of 2021 State And Federal Legislative Efforts  
[21-0832](#)

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

**This Informational Report be Scheduled.to go before the \*Rules & Legislation Committee to be heard 11/18/2021**

- 3.11** Subject: Amendments To Oakland Planning Code Related To Accessory Dwelling Units  
From: Planning & Building Department  
Recommendation: Adopt An Ordinance, As Recommended By The City Planning Commission, Amending The Oakland Planning Code To: (1) Revise Regulations For Accessory Dwelling Units (ADUS) And Junior Accessory Dwelling Units (JADUS) To Comply With State Law; (2) Amend The S-9 Zoning Overlay Map That Identifies Areas In The City Where ADUS Are Restricted To One Internal Conversion ADU Or JADU Per Residential Lot; (3) Provide An Exception Mechanism For Allowing Attached And Detached ADUS In The S-9 Zoning Overlay Zone; (4) Provide Additional Wildfire Building Protections In S-9 Zoning Overlay Zone; (5) Make Conforming Changes In Various Sections Of The Oakland Planning Code Related To ADUS; And (6) Make Appropriate California Environmental Quality Act (CEQA) Findings; On The November 30, 2021 Special Community & Economic Development Committee Agenda And The December 21, 2021 City Council Agenda As A Public Hearing  
[21-0829](#)

*This item is scheduled to the Special Community and Economic Development Committee of November 30, 2021, and as a Public Hearing at the December 21, 2021 City Council meeting.*

**This Ordinance be Scheduled.to go before the \*Special Community & Economic Development Committee to be heard 11/30/2021**

- 3.12** Subject: Enabling Ordinance For Measure R - Newspaper Of Record  
From: Vice Mayor Kaplan  
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Add Chapter 1.03 To Title 1, General Provisions, To Establish Procedures Designating Official Publications For City Advertising In Accordance With Charter Section 1205; On The December 21, 2021 City Council Agenda On Non-Consent  
[21-0833](#)

**This Ordinance be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 12/21/2021**

- 3.13** Subject: Resolution Honoring Tamora Corbin  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Honoring And Commending Tamora Corbin For 37 Years Of Dedicated Service To The City Of Oakland  
[21-0837](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 12/21/2021**

- 3.14** Subject: Resolution Honoring Michael Fung  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Honoring And Commending Michael Fung For 32 Years Of Dedicated Service To The City Of Oakland  
[21-0838](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 12/21/2021**

- 3.15** Subject: Resolution Honoring Connie Daye  
From: Office Of The City Attorney  
Recommendation: Adopt A Resolution Honoring And Commending Connie Daye For 22 Years Of Dedicated Service To The City Of Oakland  
[21-0839](#)

**This City Resolution be Scheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 12/21/2021**

- 3.16** Subject: OakDOT Report On AB 43 Transportation Safety Implementation  
From: Councilmember Kalb  
Recommendation: Receive An Informational Report From The Department Of Transportation (OakDOT) On Local Transportation Safety Planning Relating To The Implementation Of AB 43 Dealing With Speed Limits; On A January 2022 Public Works Committee Agenda  
[21-0840](#)

***This item is scheduled to be heard at the Public Works Committee in January 2022***

**This Informational Report be Scheduled.to go before the \*Public Works Committee**



**4** Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings  
[21-0774](#)

- Attachments:** [Previously Distributed November 8, 2021 Finance And Management Agenda](#)  
[Previously Distributed November 9, 2021 Special Public Safety Agenda](#)  
[Previously Distributed November 11, 2021 Rules And Legislation Agenda](#)  
[Finance And Management Committee Pending List](#)  
[Public Works Committee Pending List](#)  
[Community And Economic Development Committee Pending List](#)  
[Life Enrichment Committee Pending List](#)  
[Public Safety Committee Pending List](#)  
[Education Partnership Committee Pending List](#)  
[Rules And Legislation Committee Pending List](#)  
[Draft November 15, 2021 Special Life Enrichment Agenda](#)  
[Draft November 16, 2021 City Council Agenda](#)  
[Draft November 18, 2021 Rules And Legislation Agenda](#)

**A motion was made by Carroll Fife, seconded by Dan Kalb, 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

**Due To The Presence Of Vice Mayor Kaplan, A Quorum Of The City Council Was Noted, And A Motion Was Made By Council President Bas And Seconded By Councilmember Fife To Adjourn The Meeting Of The Rules And Legislation Committee, And To Convene As A Special Meeting Of The Full Council At 11:36 AM**

**CHANGES MADE TO THE PREVIOUSLY DISTRIBUTED 10 DAY AGENDAS**

**CHANGES MADE TO THE NOVEMBER 9, 2021 PUBLIC SAFETY COMMITTEE AGENDA**

Subject: Measure Z Compliance And The Hiring Plan - Oral Report  
From: Office Of The City Administrator  
Recommendation: Receive An Oral Including The Following; (1) An Update On Current And Projected Police Department Sworn-Staffing Levels; (2) Proposed Modifications To Police Department's Hiring Plan To Restore Sworn Staffing To Levels At Or Above Measure Z Staffing Requirements  
[TITLE CHANGE]  
[21-0768](#)

*This Title was amended to reflect an "Oral Report"*

**This Report and Recommendation be Accepted.**

Subject: Prohibition Against City Employees Cannabis Metabolites Testing  
From: Vice Mayor Kaplan, Pro Tem Thao, Councilmember Kalb & President Fortunato Bas  
Recommendation: Adopt An Ordinance Prohibiting The City Of Oakland From Testing Prospective And Current City Employees For Off-The-Job Cannabis Usage As A Condition Of Employment Or Continued Employment, Or As A Basis For Discipline, Except In Certain Circumstances Or Except As Required By Federal Or State Law  
[TITLE CHANGE]  
[21-0696](#)

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

*A Title Change was read into record.*

**This Ordinance be Accepted.**

## **CHANGES MADE TO THE DRAFT AGENDAS**

## **CHANGES MADE TO THE NOVEMBER 16, 2021 CITY COUNCIL AGENDA**

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

1) An Ordinance Adopting Alameda County Waste Management Authority Organics Reduction And Recycling Ordinance 2021-02 (WMA Ordinance 2021-02); Amending Oakland Municipal Code Chapter 8.28 To Make Conforming Amendments For Consistency With WMA Ordinance 2021-02 And To Comply With Senate Bill 1383; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And [21-0653](#)

**Attachments:** [View Report](#)  
[View Attachment A](#)  
[View Legislation](#)  
[View Supplemental Presentation - 11/19/2021](#)

***A Title Change was read into record.***

**This Ordinance be Accepted.**

2) An Ordinance Amending Oakland Municipal Code Chapter 15.34 (Construction And Demolition Debris Collection, Transportation, Waste Reduction And Recycling Requirements) To Comply With Senate Bill 1383 (The Short-Lived Climate Pollutant Reduction Act Of 2016) And Its Regulations At California Code Of Regulations At Title 14 Section 18989.1(A)(2), Which Require Compliance With The Requirements Of The California Green Building Standards Code (CalGreen) Sections 4.408.1 And 5.408.1 To Divert 65% Of Construction And Demolition Debris; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And [21-0654](#)

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

***A Title Change was read into record.***

**This Ordinance be Accepted.**

3) An Ordinance Amending Oakland Planning Code Chapter 17.118 (Recycling Space Allocation Requirements), To Comply With Senate Bill 1383 (The Short-Lived Climate Pollutant Reduction Act Of 2016) And Its Regulations At California Code Of Regulations (CCR) At Title 14 Section 18989.1(A)(2), 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 Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And [21-0655](#)

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

*A Title Change was read into record.*

**This Ordinance be Accepted.**

4) 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 Adopting Appropriate California Environmental Quality Act (CEQA) Findings [21-0656](#)

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

*A Title Change was read into record.*

**This Ordinance be Accepted.**

Subject: Appeal Of 1396 5th Street Project  
From: Planning And Building Department  
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt One Of The Following Three Options:

1) A Resolution Denying The Appeal By East Bay Residents For Responsible Development And Thus Upholding The Planning Commission's Environmental Determination And Approval Of A Proposal To Construct 222 Dwelling Units On The Existing Vacant Lot Located At 1396 5th Street, Oakland CA (Project Case No. PLN 20-101); Or [21-0806](#)

*This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda*

**This City Resolution be \* Withdrawn and Rescheduled.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 12/21/2021**

Provided The City Council Can Make The Appropriate Findings:

2) A Motion To Direct Staff To Prepare A Resolution For Future City Council Consideration To Deny The Appeal With Additional Conditions; Or [21-0808](#)

*This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda*

*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 12/21/2021*

3) A Motion To Direct Staff To Prepare A Resolution For Future City Consideration To Uphold The Appeal [21-0809](#)

*This Public Hearing was withdrawn & rescheduled to the December 21, 2021 City Council Agenda*

*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 12/21/2021*

## 5 Determinations Of Closed Session

*There was no report of Closed Session.*

*This be Accepted.*

## 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 Council Rules And Legislation Committee adjourned the meeting in memory of Alameda County Supervisor Wilma Chan at 11:32 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**

**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.**