



City of Oakland

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

Meeting Minutes - FINAL *Rules & Legislation Committee

Thursday, January 13, 2022

10:30 AM

Virtual Tele- Conference Via Zoom

Please See The Agenda To Participate In The Meeting

The Oakland City Council Rules and Legislation Committee convened at 10:36 AM, with President Pro Tem Thao presiding as Chairperson.

Roll Call / Call To Order

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

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

10 speakers spoke during public comment.

2 Approval Of The Draft Minutes From The Committee Meeting Of December 9, 2021 And December 16, 2021

[21-0969](#)

Attachments: [View Report - December 9, 2021](#)

[View Report - December 16, 2021](#)

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

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

NO VOTE: 0

3 New Scheduling Items

A motion was made by Dan Kalb, seconded by Nikki Fortunato Bas, that this matter be Approve with the following amendments. The motion carried by the following vote:

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

NO VOTE: 0

3.1 Subject: EMC Research, Inc. Professional Services Agreement
From: Finance Department
Recommendation: Adopt A Resolution Waiving The City’s Small-Very Small Local Business Enterprise Participation Requirement And Authorizing The City Administrator To Negotiate And Award A Professional Services Agreement To EMC Research, Inc. In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000.00) For Polling Services
[22-0024](#)

Attachments: [View Report](#)
[View Legislation](#)
[88999 CMS](#)

There was no action taken because this item has been previously scheduled to the July 18th Special City Council via Rule 28.

This City Resolution be No Action Taken.

3.2 Subject: Apply For Homekey Grant Funds
From: Vice Mayor Kaplan
Recommendation: Adopt Resolution Authorizing The City Administrator To Submit An Application To The Department Of Housing And Community Development In Response To The NOFA, Dated September 9, 2021, And To Apply For The Homekey Grant Funds In A Total Amount Not To Exceed \$120,000,000 For Capital And Operating Expenditures For The Foothill & Edes/Clara Senior Housing Homekey Project, In Addition To The Homekey Projects Which Received Authorization In Resolution No. 88950
[22-0025](#)

Attachments: [View Report](#)
[View Attachment A](#)
[View Legislation](#)
[View Redlined Amendments January 18, 2022](#)
[88984 CMS](#)

There was no action taken because this item has been previously scheduled to the July 18th Special City Council via Rule 28.

This City Resolution be No Action Taken.

3.3 Subject: Adding A Sunset Clause To Proof Of Vaccination Ordinance
From: Member Of The Public: Laurel Kadish
Recommendation: Adopt An Ordinance Adding A Sunset Clause To The Emergency Ordinance For Requiring Proof Of Vaccination; On The January 18, 2022 City Council Agenda
[22-0020](#)

This Ordinance be No Action Taken.

- 3.4** Subject: Report Possible Brown Act Violations
From: Member Of The Public: Catherine Baldi
Recommendation: Receive An Investigation Report By The City Attorney's Office On Possible Brown Act Violations By The City Council At The December 21, 2021 Special City Council Meeting At 9:30; As Soon As Possible On Consent
[22-0017](#)

The Committee informed the requestor the Public Ethics Commission is the jurisdiction for this matter.

This Informational Report be No Action Taken.

- 3.5** Subject: Agreement Between State Of California And Oakland MACRO Program
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The State Of California Natural Resources Agency To Accept A Grant Of Ten Million Dollars (\$10,000,000.00) In State Budget Act Of 2021 Funding For The City Of Oakland's (City) Mobile Assistance Community Responders Of Oakland ("MACRO") Program To Allow The City To Provide A Strong Program Of Civilian Crisis Responders
[22-0012](#)

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 2/1/2022

3.6 Subject: Cooperative Agreement With Alameda County Transportation
From: Transportation Department
Recommendation: Resolution: (1) Authorizing The City Administrator To Negotiate And Enter Into A Cooperative Agreement With Alameda County Transportation Commission To Implement A Railroad Crossing Safety Improvement At Union Pacific Railroad Crossing On High Street Under The Federal Railway Highway Crossings Section 130 Program, And (2) Adopting Appropriate California Environmental Quality Act ('CEQA') Findings
[TITLE CHANGE]
[22-0013](#)

- Attachments:** [View Report](#)
[View Attachment A](#)
[View Attachment B](#)
[View Legislation](#)
[View Revised Legislation 1/27/2022](#)

This City Resolution be Scheduled.to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 2/1/2022

3.7 Subject: OPD 2021 DNA Backlog Reduction Program
From: Oakland Police Department
Recommendation: Adopt A Resolution:

1) Authorizing The City Administrator To Accept And Appropriate Grant Funds In An Amount Not To Exceed Three Hundred Sixty-Seven Thousand Eight Hundred Ninety Eight Dollars (\$367,898) From The U.S. Department Of Justice (US DOJ), Office Of Justice Programs, Bureau Of Justice Assistance For Implementation Of The Fiscal Year 2021 DNA Capacity Enhancement For Backlog Reduction (CEBR) Grant Program For The Oakland Police Department (OPD); And

2) Waive The City's Advertising And Competitive Bidding Requirements For The Purchase Of DNA Typing Supplies And Instruments From (1) Qiagen For Fifty-Five Thousand Six Hundred Dollars (\$55,600), (2) Promega For One Hundred Seventy Thousand One Hundred Dollars (\$170,100), (3) Thermo Fisher/Life Technologies For Forty-Two Thousand Two Hundred Thirty Dollars (\$42,230), (4) Nichevision For Eighty Thousand Dollars (\$80,000), And (5) Fisher Scientific For Twelve Thousand Eight Hundred Ninety-One Dollars (\$12,891)
[22-0014](#)

- 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 2/1/2022

3.8 Subject: FY 2020 Assistance To Firefighters Grant (AFG)
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To:

(1) Enter Into An Agreement With The U.S. Department Of Homeland Security's Federal Emergency Management Agency (FEMA) To Accept The Fiscal Year 2020 Assistance To Firefighters Grant (AFG) Funds In The Amount Of One Hundred Seventy-Nine Thousand Five Hundred And Eighty-Four Dollars And Seventy-Three Cents (\$179,584.73) For The Project Period Starting June 4, 2021 And Ending June 3, 2023;

(2) Appropriate And Administer Said Funds For The Fire Department To Receive Specialized Training In Hazardous Materials Response, Technical Rescue/Heavy Rescue, And Water Rescue;

(3) Expend Assistance To Firefighter Funds In Accordance With The City's Purchasing Requirements And Programs/Policies;

(4) Allocating Matching Funds In The Amount Of Seventeen Thousand Nine Hundred Fifty-Eight Dollars And Forty-Seven Cents (\$17,958.47); And

(5) Authorizing A General Purpose Fund Contribution At A Rate Of 13.34% To Cover Disallowed Central Service Overhead (CSO) Charges Estimated At Fifteen Thousand Eight Hundred And Eighty-One Dollars (\$15,881)

[22-0015](#)

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 2/1/2022

3.9 Subject: California Department Of Justice Sexual Assault Evidence Testing Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Accept And Appropriate Sixty Eight Thousand Eight Hundred Ninety Four Dollars (\$68,894) In Untested Sexual Assault Evidence Testing Grant Program Funds, From The California Department Of Justice (CA DOJ) Bureau Of Forensic Services, To Process Untested Sexual Assault Evidence Kits In The Oakland Police Department's (OPD) Inventory; And 2) Enter Into A Memorandum Of Understanding (MOU) With CA DOJ Bureau Of Forensic Services To Define Grant Reimbursement Rules

[22-0016](#)

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 2/1/2022

3.10 Subject: Memorandum Of Agreement For 564 Crofton Avenue
From: Planning And Building Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Agreement (MOA) With The City Of Piedmont Establishing That The City Of Oakland Will Process Planning And Building Entitlements For A Category I Accessory Dwelling Unit (ADU) Conversion At 564 Crofton Avenue, A Property Located Within Both Jurisdictions; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings

[22-0018](#)

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 2/1/2022

3.11 Subject: Resolution Commemorating Oscar Grant III
From: Councilmember Reid
Recommendation: Adopt A Resolution Commemorating Oscar Julius Grant III, And Designating February 27, 2022 As Oscar Grant Day In The City Of Oakland, And Recognizing His Mother Reverend Wanda R. Johnson For Her Tireless Work In The Community

[22-0021](#)

Attachments: [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 2/1/2022

3.12 Subject: Recognizing National Mentoring Month
From: Councilmember Taylor
Recommendation: Adopt A Resolution Recognizing January 2022 As National Mentoring Month And Uplifting The Critical Role Of Mentors And Encouraging Positive Mentorship Programs In The City Of Oakland To Elevate Oakland Youth To Achieve Their Full Potential
[22-0027](#)

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 2/1/2022

3.13 Subject: Schedule An Action Plan Regarding Recruitment, Hiring And Retention Plans And Strategies
From: Councilmember Gallo, President Fortunato Bas And Pro Tem Pore Thao
Recommendation: Receive An Informational Report With Detailed Recommendations For An Action Plan From The City Administrator And The Oakland Police Chief Regarding Recruitment, Hiring And Retention Plans And Strategies To Recruit Police Officers, As Well As Data On Attrition For The Past Ten Years Including Demographics, Tenure And Specific Reasons For Leaving; Costs Of Academies; And Costs Of Pre-Academies. For Officers Who Cite "Lack Of Confidence In OPD Leadership" Provide Specific Reason For Leaving, Including Discipline By OPD/Chief Or CPRA. All To Protect The Citizens Of Oakland Prior To Engaging Additional Consultants And Making Financial Commitments
[21-0949](#)

Attachments: [No Written Material Was Submitted](#)

The Committee accepted the Title Change made to the informational item previously scheduled to the February 8, 2022 Public Safety Committee
This Report and Recommendation be Accepted.

3.14 Subject: Density Bonus Ordinance Update
From: Planning And Building Department
Recommendation: Adopt An Ordinance, As Recommended By The Planning Commission, Amending The Oakland Planning Code To Update Chapter 17.107 Density Bonus And Incentive Procedure; On The March 15, 2022 City Council Meeting As A Public Hearing
[21-0739](#)

- Attachments:** [View Report](#)
[View Legislation And Exhibit A](#)
[View Supplemental Presentation 10/29/2021](#)
[View Supplemental Report 11/22/2021 - Kalb](#)

The committee accepted the request to withdraw this public hearing from the February 1, 2022 City Council Agenda and rescheduled to the March 15, 2022 City Council Agenda.

This Ordinance be Rescheduled to go before the * Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 3/15/2022

RECOMMENDATIONS FROM COMMITTEES:

Public Safety Committee:

3.15 Subject: Ghost Gun Ordinance
From: Councilmembers Kalb, Gallo And Vice Mayor Kaplan
Recommendation: Adopt An Ordinance Amending Chapter 9.36 "Weapons" To Require Privately Made Firearms, Commonly Referred To As "Ghost Guns," To Comply With State Law, Prohibit Nonexempt Persons From Possessing, Selling, Offering For Sale, Transferring, Purchasing, Transporting, Receiving Or Manufacturing An Unfinished Firearm Frame Or Receiver That Has Not Been Imprinted With A Serial Number And Prohibiting Nonexempt Persons From Possessing, Manufacturing Or Assembling A Privately Made Firearm That Has Not Been Imprinted With A Serial Number
[21-0922](#)

- Attachments:** [View Report](#)
[View Legislation](#)
[View Notice And Digest](#)
[View Supplemental Report - January 12, 2022](#)
[View Supplemental Legislation - January 12, 2022](#)

There was no action taken because this item has been previously scheduled to the July 18th Special City Council via Rule 28.

This Ordinance be No Action Taken.

3.16 Subject: Implementation Of The Council Public Safety Budget Policy Directives
 From: President Fortunato Bas
 Recommendation: Approve A Report And Recommendation Directing The Administrator To Report Back On The Implementation Of The Council Public Safety Budget Policy Directives, Including Status Of Conducting (1) An Analysis Of Calls For Service And Recommendations To Transfer Certain Calls To Alternative Response By April 2022, (2) An Independent Audit Of The Police Department By December 2022, And (3) Analysis Of Restructuring Investigation Units To Improve Solve Rates By Increasing Civilian Staff And Reducing Sworn Staff
 [TITLE CHANGE]
[21-0932](#)

Attachments: [View Report](#)

This City Resolution be Continued.to go before the *Public Safety Committee to be heard 2/8/2022

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings
[21-0970](#)

Attachments: [CANCELLED REGULAR COUNCIL MEETING JANUARY 18, 2022](#)

[Special City Council Agenda January 18, 2022 At 1PM](#)

[Previously Distributed Rules And Legislation Committee Agenda January 20, 2022](#)

[Finance And Management Pending List](#)

[Public Works Pending List](#)

[Community And Economic Development Pending List](#)

[Life Enrichment Pending List](#)

[Education Partnership Pending List](#)

[Public Safety Pending List](#)

[Rules And Legislation Pending List](#)

[Draft Education Partnership Committee Agenda January 24, 2022](#)

[Draft Special Community And Economic Development Committee January 25, 2022](#)

[Draft Public Works Committee Agenda January 25, 2022](#)

[Draft Rules And Legislation Committee Agenda January 27, 2022](#)

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

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

NO VOTE: 0

CHANGES MADE TO THE SPECIAL JANUARY 18, 2022 CITY COUNCIL

Subject: Alameda-Contra Costa Transit District Invitation To Participate In An Inter-Agency Liaison Committee
From: Council President Fortunato Bas
Recommendation: Adopt A Resolution Directing The City Administrator To Accept The Invitation From The Alameda-Contra Costa Transit District (AC Transit) To Participate In Inter-Agency Liaison Committee, Which Will Provide A Cooperative Framework An For Input And Exchange Of Information To Improve Service Planning Coordination Between Ac Transit And The City Of Oakland, And Appointing City Of Oakland Councilmember Noel Gallo, Councilmember _____ And Vice Mayor Rebecca Kaplan As The City Representatives To The Committee, And Appointing Councilmember Dan Kalb As An Alternate
[TITLE CHANGE]
[21-0956](#)

Attachments: [View Report & Legislation](#)
[View Supplemental Legislation - 1/12/2022](#)
[88990 CMS](#)

Council President Bas read in a Title Change to this item that has been previously scheduled to the January 18, 2022 Special City Council meeting.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 1/18/2022

Subject: Honoring Gordon And Sue Piper
From: President Pro Tempore Thao And Councilmember Kalb
Recommendation: Adopt A Resolution Honoring Gordon And Sue Piper For Their Decades-Long Efforts To Improve Wildfire Prevention In The City Of Oakland
[22-0006](#)

Attachments: [View Legislation](#)
[88994 CMS](#)

Councilmember Kalb requests to be added as a cosponsor to this item that has been previously scheduled to the January 18, 2022 Special City Council meeting.

This City Resolution be Scheduled.to go before the Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council to be heard 1/18/2022

Due To The Presence Of Vice Mayor Kaplan, A Quorum Of The City Council Was Noted, And A Motion Was Made By Councilmember Kalb And Seconded By Councilmember Fife To Adjourn The Meeting Of The Rules Committee, And To Convene As A Special Meeting Of The Full Council At 11:33 AM

5 Determinations Of Closed Session

The Committee scheduled the OBOT update to the January 20, 2022 Closed Session agenda.

This be Accepted as Amended.

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

NO VOTE: 0

Open Forum (Total Time Available: 15 Minutes)

3 people spoke during Open Forum.

Adjournment

The Rules and Legislation Committee Adjourned at 11:46 AM

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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.**