

### 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, October 6, 2022

10:30 AM

Virtual Tele- Conference Via Zoom

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

The Rules & Legislation Committee convened at 10:36 A.M., with Pro Tempore Thao presiding as Chairperson.

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

#### **COMMITTEE MEMBERSHIP:**

Roll Call / Call To Order

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

# 1 PUBLIC COMMENT: COMMENTS ON ALL ITEMS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

The call of the que opened at 10:37 a.m. and closed at 10:52 a.m.

22 individuals spoke during Public Comment

2 Approval Of The Draft Minutes From The Committee Meeting Of September 22, 2022 22-0737

Attachments: View Report

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

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

NO VOTE: 0

3.1 Subject: Short-Term Housing Solutions For Wood Street Encampment Residents

From: Office Of The City Administrator Recommendation: Adopt The Following;

1) An Informational Report Regarding Short-Term Housing Solutions For The Residents Of The Wood Street Encampment; And 22-0805

Attachments: View Report

On 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 10/18/2022

2) A Resolution Amending The Fiscal Year 2022-23 Midcycle Budget, Which Was Adopted Pursuant To Resolution No. 89283 C.M.S. And Amended By Resolution No. 89377 C.M.S., To Allocate An Amount Not To Exceed One Hundred And Eighty Thousand Dollars (\$180,000) From The General Purpose Fund To Be Used In Support Of Applying For A State Of California Department Of Toxic Substances Control Waiver To Allow For Temporary Habitation At The Former Army Base North Gateway Site 22-0806

Attachments: View Legislation

89449 CMS

On Non-Consent

A title change was read into record

3.2 Subject: Approve OPD's Policies In Accordance With California Government Code § 7070 Et Seq. (AKA"AB 481") And OMC Chapter 9.6

From: Oakland Police Department

Recommendation: Adopt An Ordinance Approving Controlled Equipment Use Policies For The Oakland Police Department To Acquire And Use The Following Types Of "Militarized" Equipment In Conformance With Government Code Section 7070 And Oakland Municipal Code Chapter 9.65: (1) Departmental Rifles; (2) Chemical Agents; (3) Unmanned Aerial Systems; (4) Noise-Flash Diversion Devices (Flash Bangs); (5) Riot Helmets; (6) Specialty Impact Munitions; (7) Armored Vehicles; (8) Chemical Agents; And (9) Remote Controlled Ground Systems (Robots) And Pole Cameras 22-0776

Attachments: View Report

View Attachment A - DGO K-7 Military Equipment Policy

View Attachment B - DGO K-06 Rifles

View Attachment C - Patrol Rifle Impact Report

View Attachment D - TB III-H Specialty Impact Munitions

View Attachment E - SIM Impact Report

View Attachment F - TB III-P.04 - Armored Vehicles Mil Equip

View Attachment G - Armored Vehicles Impact Report

View Attachment H - TB III-G 16 Crowd control

View Attachment I - Riot Helmets Impact Report

View Attachment J - TB V-F.02 Chemical Agents 2022

View Attachment K - Chem Agent Impact Report

View Attachment L - DGO I25 Unmanned aerial systems

View Attachment M - UAS Drone Controlled Equipment Impact Report

View Attachment N - DGO I26 Robots

View Attachment O - Robots and Pole Cameras Controlled Equipment

Impact Report

View Attachment P - TB III-P.05 - Noise Flash Diversion Devices

View Attachment Q - Flash Bang Impact Report

**View Legislation** 

View Exhibit A - DGO K-7 Military Equipment Policy

View Exhibit B - DGO K-06 Rifles

View Exhibit C - TB III-H Specialty Impact Munitions

View Exhibit D - TB III-P.04 - Armored Vehicles Mil Equip

View Exhibit E - TB III-G 16 Crowd control

View Exhibit F - TB V-F.02 Chemical Agents

View Exhibit G - DGO I25 Unmanned aerial systems

View Exhibit H - TB III-P.05 - Noise Flash Diversion Devices

View Exhibit I - DGO I26 Robots

View Revised Legislation 12/1/2022

View Supplemental Report 12/1/2022

#### On Non-Consent

#### A title change was read into record

3.3 Subject: Appraisals For Proposed Homekey Project

From: Vice Mayor Kaplan

Recommendation: Adopt A Resolution Appropriating And Allocating An Amount Not To Exceed \$20,000 From The Affordable Housing Trust Fund, Redevelopment Dissolution Funds, For Fiscal Year 2022-2023 To Retain An Independent Appraiser To Appraise City Land At 9418 Edes Avenue And 606 Clara Street Intended For A Possible Future Project Under The State Of California Homekey Program 22-0778

Attachments: View Report

View Legislation 89439 CMS

On Consent

3.4 Subject: Community Cabin Program At 2601 Wood Street

From: Human Services Department

Recommendation: Adopt A Resolution: (1) Accepting, Appropriating, And Authorizing Agreement For Receipt Of Additional Encampment Resolution Funding (ERF) In The Estimated Amount Of Three Million Six Hundred Thousand Dollars (\$3,600,000) Expected To Be Awarded From The State Of California To Fund Interim Housing Construction, Operations, And Services At 2601 Wood Street Through June 30, 2024;

- (2) Authorizing The City Administrator To Enter Into A Professional Services Agreement With A Provider To Be Selected By The Human Services Department Through A Competitive Request For Qualifications (RFQ) Process Using Erf Funds In An Amount Not To Exceed \$2,243,274 For The First Year And A Total Amount Not To Exceed \$4,486,548 For The Full Term, To Operate And Manage An Interim Community Cabin Program At 2601 Wood Street From November 1, 2022 Through June 30, 2024, With An Option To The Extend The Term Within The Limits Of The ERF Award;
- (3) Authorizing The City Administrator To Negotiate And Execute A Lease Amendment Between The City And Game Changer (Marine) LLC For 2201 And 2601 Wood Street, Oakland, To Extend The Term To June 30, 2024, With Three 1-Year Extensions In An Amount Not To Exceed \$35,000 Per Year, To Operate An Interim Recreational Vehicle (RV) Safe Parking Program And Community Cabin Program; And
- (4) Making Appropriate Findings Under The California Environmental Quality Act 22-0788

Attachments: View Report

View Legislation

89442 CMS

On Consent

3.5 Subject: Fiscal Year 2018 Urban Search and Rescue (US&R) Supplemental Funding

From: Oakland Fire Department

Recommendation: Adopt A Resolution Amending Resolution Numbers 87503 And Number 88161 C.M.S. Which, Among Other Things, Authorized The City Administrator To Accept, Appropriate, And Administer Fiscal Year (FY) 2018 Urban Search And Rescues Grant Funds From The Federal Emergency Management Agency In The Amount Of One Million Three Hundred Twenty-One Thousand Eight Hundred And Twenty-Three Dollars (\$1,321,823), By Extending The Period For Receipt Of Said Grant Funds To August 31, 2022

22-0789

Attachments: View Report

View Attachment A

View Attachment B

View Attachment C

View Legislation

89443 CMS

On Consent

3.6 Subject: City Center T5/T6 Site B - Second DDA Amendment From: Economic And Work Force Development Department

Recommendation: Adopt An Ordinance: A) Authorizing The City Administrator To

Negotiate And Execute:

(1) A Second Amendment To The Disposition And Development Agreement Between The City Of Oakland And Strada T5, LLC, Which Will, Among Other Things, (A) Convert The Agreement To A Lease Disposition And Development Agreement, For Development Of A University Campus On The City Center T-5/T-6 Property Located On The Block Bounded By Broadway, 11th Street, 12th Street And Clay Street; (B) Extend The Term Up To 15 Months With Nonrefundable Monthly Extension Fees Of \$6,000; And (C) Provide Two Optional Administrative Six-Month Extensions Each For A Nonrefundable Extension Fee Of \$40,000; And

(2) A 99-Year Ground Lease Of The Property Between The City And Samuel Merritt University, Or Its Affiliate, And Related Documents For (A) Base Rent Of \$1 Per Year Prepaid On The Commencement Date, (B) Monthly Construction Rent Of 50 Percent Of Minimum Rent Commencing On The Rent Commencement Date For The Construction Period, (C) Initial Minimum Rent Of \$236,400 Commencing At The End Of The Construction Period, (D) A Credit Of The \$50,000 Good Faith Deposit Applied To Construction Rent And/Or Minimum Rent, And (E) One-Time Rent Credit Not To Exceed \$500,000 For Remediation Of The Property; And B) Adopting California Environmental Quality Act Findings

22-0798

Attachments: View Report

View Legislation

View Corrected Supplemental Report and Attachment A-D -

10/13/2022

On Non-Consent

3.7 Subject: Fiscal Year 2019 Urban Search And Rescue (US&R) Funding Extension

From: Oakland Fire Department

Recommendation Adopt A Resolution Amending Resolution Number 87936 C.M.S. Which Among Other Things Authorized The City Administrator To Accept, Appropriate, And Administer 2019 Federal Emergency Management Agency (FEMA) Urban Search And Rescue (US&R) Grant Funds In The Amount Of One Million Two Hundred Thirty-Five Thousand One Hundred And Four Dollars, By Extending The Period For Receipt Of Grant Funds To August 31, 2023

<u>22-0799</u>

Attachments: View Report

View Attachment A
View Attachment B
View Legislation
89444 CMS

On Consent

3.8 Subject: City Of Oakland Declaring Its Intention To Establish The Oakland Enhanced Infrastructure Financing District

President Pro Tempore Thao And Councilmember Fife Recommendation: Adopt A Resolution: (1) Expressing The City's Interest In Establishing One Or More Enhanced Infrastructure Financing Districts To Fund Affordable Housing That Affirms The City's Commitment To Furthering Fair Housing And Infrastructure Improvements; And (2) Directing The City Administrator To Return To Council With A Report And Recommendation Outlining The Timeline And Process For A Proposal To Establish An Enhanced Infrastructure Financing District Exclusively For East Oakland; And (3) Directing The City Administrator To Return To Council With A Report And Recommendation Outlining The Timeline And Process For A Proposal To Establish An Enhanced Infrastructure Financing District Exclusively For West Oakland; And (4) Directing The City Administrator To Return To Council With A Report And Recommendation Outlining The Timeline And Process For A Proposal To Establish An Enhanced Infrastructure Financing District For East And West Oakland, Combined; And (5) Directing The City Administrator To Work With Kosmont Consulting To Bring Forth These Reports And Recommendations To Be Presented To The First Finance And Management Committee Of December 2022 22-0802

Attachments: View Legislation

View Supplemental Report 10/27/2022

View Supplemental Attachment 10/27/2022

89480 CMS

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 11/1/2022

3.9 Subject: Declaration Of A Local State Of Emergency In Oakland From: Councilmember Gallo And President Pro Tempore Thao Recommendation: Adopt A Resolution (1) Declaring A Local State Of Emergency In The City Of Oakland Due To Gun Violence; (2) Calling On The State To Assist In Establishing An Action-Oriented 90-Day Statewide Taskforce To Assist In The Development And Implementation Of Local, Comprehensive Violence Reduction Strategies Focused On Gun Violence Reduction And (3) Calling On The State To Provide Resources To Address Increasing Gun Violence In Oakland 22-0803

<u>Attachments:</u> <u>View Legislation</u>

View Supplemental Legislation - 10/26/2022

89481 CMS

This Report and Recommendation be Withdrawn with No New Date.

3.10 Subject: RFP For City Stables Concessionaire

From: Councilmember Taylor

Recommendation: Receive An Informational Report From The City Administrator Regarding (1) The Status Of The License And Master Concessionaire Operation Agreement Related To The Oakland City Stables Located At 13560 Skyline Blvd, And (2) Recommendations Regarding The Ongoing Operation Of An Equestrian Center For The City, Including Providing Equestrian Programs To Oakland Youth From Low Income And Underserved Communities And Providing Horse Boarding And Horseback Riding And Instruction For Oakland Residents

[TITLE CHANGE]

22-0804

Attachments: View Report

View Report 11/23/2022

A title change was read into record

This City Resolution be Scheduled.to go before the \*Special Life Enrichment Committee to be heard 11/14/2022

3.11 Subject: Contracts For Tenant And Owner Representation At RAP Proceedings

From: Housing And Community Development Department

Recommendation: Adopt A Resolution Authorizing: (1) A Contract With Centro Legal De La Raza For Provision Of Legal Representation Services To Low- And Moderate-Income Tenants At Rent Adjustment Program Petition Proceedings And Housing, Residential Rent And Relocation Board Appeal Proceedings In The Amount Of \$239,271 From November 1, 2022, Through June 30, 2023, And (2) A Contract With East Bay Rental Housing Association For The Provision Of Legal Representation Services To Small Property Owners At Rent Adjustment Program Petition Proceedings And Housing, Residential Rent And Relocation Board Appeal Proceedings In The Amount Of \$100,000 From November 1, 2022, Through June 30, 2023 22-0784

Attachments: View Report

View Legislation

View Committee Recommendation 10/27/2022

89483 CMS

This City Resolution be Scheduled.to go before the \*Special Community & Economic Development Committee to be heard 10/25/2022

**3.12** Subject: Amendments To Rent Adjustment Program Ordinance

From: Housing And Community Development Department

Recommendation: Adopt An Ordinance Amending The Rent Registry Ordinance (Ordinance No. 13695 C.M.S.) To Modify The Initial Submission Deadline For Rent

Registry Registration Forms From March 1, 2023 To July 1, 2023

22-0793

Attachments: View Report

View Legislation

View Supplemental Legislation - 10/20/2022

This Ordinance be Scheduled.to go before the \*Special Community & Economic

Development Committee to be heard 10/25/2022

Subject: Amendments To Rent Adjustment Program Regulations From: Housing And Community Development Department

Recommendation: Adopt A Resolution Adopting Amendments To The Rent Adjustment Program Regulations Approved By The Housing Residential Rent And Relocation Board To Clarify Substantial Compliance With The Rent Registry Ordinance (Ordinance No.

13695 C.M.S.)

<u>22-0794</u>

Attachments: View Report

View Legislation 89479 CMS

This City Resolution be Scheduled.to go before the \*Special Community & Economic Development Committee to be heard 10/25/2022

- 3.13 Subject: Fox Theater Funding Agreement And Design Contract From: Economic And Workforce Development Department Recommendation: Adopt A Resolution Authorizing The Following:
  - (1) Execution Of A Professional Services Agreement With Wiss, Janney, Elstner Associates, Inc. (WJE) In A Not-To-Exceed Amount Of One Hundred And Fifty Thousand Dollars (\$150,000) To Deliver Additional Design, Bidding And Construction Support Services, In Two Phases, For Roof And Heating, Ventilation And Air Conditioning (HVAC) Repairs At The Fox Theater And Waiver Of The Competitive Process Pursuant To Oakland Municipal Code Section 2.04.051.B; And
  - (2) Execution Of A Funding Agreement Between The City Of Oakland And The Fox Oakland Theater, Inc. To Accept And Appropriate One Million Dollars (\$1,000,000) To Fund Roof And HVAC Repairs At The Fox Theater 22-0795

Attachments: View Report and Attachment A B

View Legislation 89478 CMS

This City Resolution be Scheduled.to go before the \*Special Community & Economic Development Committee to be heard 10/25/2022

**3.14** Subject: Analysis Of The Potential Impacts Of The Oakland Waterfront Ballpark District At The Howard Terminal Proposed By The Oakland Athletics

From: Councilmember Gallo

Recommendation: Receive An Informational Report From City Staff Regarding Documents From Maritime Industry Groups On Potential Economic Issues Related To The Oakland Waterfront Ballpark District At The Howard Terminal Proposed By The Oakland Athletics Including A Report On Analysis Conducted By: Professor Nola Agha, Ph.D., The University Of San Francisco, Professor Of Sport Management, Report Entitled "Evaluation Of The Revenues, Costs, And Impacts Of The Proposed Oakland Waterfront Ballpark District At Howard Terminal On The City Of Oakland," And Summary Of The Report By Professor Agha

[TITLE CHANGE]

22-0800

Attachments: View Report

View Report 12/2/2022

This Informational Report be Scheduled.to go before the \*Special Community & Economic Development Committee to be heard 11/29/2022

3.15 Subject: Cost Of Responding To Fires That Occurred On California Department Of Transportation Property Within Oakland City Limits In FY 2022

From: President Pro Tempore Thao And Councilmember Fife

Recommendation: Receive An Informational Report From The City Administrator And The Oakland Fire Department On The Cost Of Responding To Fires That Occurred On California Department Of Transportation Property Within Oakland City Limits In Fiscal Year 2022

22-0801

Attachments: View Report

This Informational Report be Scheduled.to go before the \*Finance & Management Committee to be heard 11/14/2022

4 Review Of Draft Agendas And Review Of Pending Lists For Council And Committee Meetings 22-0738

Attachments: October 10, 2022 Special Life Enrichment Committee Agenda

October 10, 2022 Finance & Management Committee Agenda

October 11, 2022 Public Safety Committee Agenda

October 13, 2022 Rules Committee Agenda

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 October 18, 2022 City Council Agenda

Draft October 20, 2022 Rules And Legislation Agenda

A motion was made by Carroll Fife, seconded by Nikki Fortunato Bas, 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

DUE TO THE PRESENCE OF COUNCILMEMBER GALLO, AT 11:27 A.M., A MOTION WAS MADE BY COUNCILMEMBER KALB, SECONDED BY COUNCILMEMBER FIFE TO ADJOURN AND ENTER INTO A SPECIAL CITY COUNCIL MEETING. THE MOTION PASSED WITH A VOTE OF 4 AYES: BAS, FIFE, KALB AND THAO

CHANGES MADE TO THE OCTOBER 18, 2022 CITY COUNCIL DRAFT AGENDA

Subject: Amend ABC Security Service Inc. Contract To Increase Spending Authority

From: Public Works Department

Recommendation: Adopt A Resolution Authorizing The City Administrator To: (1) Increase The Contract With ABC Security Service, Inc. In An Amount Of Four Hundred Thousand Dollars (\$400,000.00) Per Month On A Month-To-Month Basis, For Up To Four Months, In A Total Amount Not To Exceed One Million, Six Hundred Thousand Dollars (\$1,600,000.00) Until Request For Proposal Number 269336 Is Awarded; And (2) Waive The Advertising And Competitive Request For Proposal/Qualification Selection Requirement

22-0779

Attachments: View Report

View Attachment A

View Attachment B

View Legislation

89440 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 10/18/2022

Subject: Proposed Responses To The 2021-2022 Alameda County Civil Grand Jury

Reports

From: Office Of The City Administrator

Recommendation: Approve A Report And Recommendation To Authorize The Council President To Submit Responses On Behalf Of The City Council To The 2021-2022 Alameda County Civil Grand Jury Final Reports Titled: 1. "Lack Of Fire Inspections In Oakland Creates Unnecessary Risks"; And 2. "Management Failures At Planning And Building Department Cost Oakland Millions".

22-0630

Attachments: View Report

View Attachment A

View Attachment B Civil Grand Jury Response - OFD

View Attachment B1 Civil Grand Jury Response OFD Highlighted

View Attachment C Grand Jury Plan Check Fee - PBD-combined -

signed

View Attachment C1 Grand Jury Plan Check Fee- PBD

Highlighted-combined - signed

View Attachment D How to Respond to Grand Jury

A title change was read into record

Subject: 66th Ave. RV Safe Parking Program Professional Services Agreement

From: Human Services Department

Recommendation: Adopt A Resolution Awarding A Professional Services Agreement To Urban Alchemy In An Amount Not To Exceed One Million Two Hundred Nine Thousand Three Hundred Seventy Five Dollars (\$1,209,375) For The Operation Of A 75 Space Recreational Vehicle (RV) Safe Parking Site At The City-Owned Property At 796 66th Avenue For An Eight Month Term To Commence Upon The Completion Of Construction At The Site And Making Appropriate Findings Under The California Environmental Quality Act

22-0710

Attachments: View Report

View Legislation 89464 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 10/18/2022

AT THE CALL OF COUNCIL PRESIDENT BAS, AN OCTOBER 18, 2022 SPECIAL CITY COUNCIL MEETING WAS CALLED TO BE HELD AT 10:00 A.M.

#### 5 Determinations Of Closed Session

#### **Open Forum**

The call of the que opened at 12:02 p.m. and closed at 12:07 p.m.

4 individuals spoke during Open Forum

#### **Adjournment**

There being no further business, the Rules & Legislation adjourned the meeting at 12:10 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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