



City of Oakland

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Meeting Minutes - DRAFT *Rules & Legislation Committee

*Oakland City Hall, 1 Frank H. Ogawa Plaza,
Oakland, California, 94612*

City of Oakland Website: <http://www.oaklandnet.com>

Thursday, October 20, 2016

10:45 AM

City Council Chamber, 3rd Floor

The Oakland City Council Rules and Legislation Committee convened at 10:53 a.m. with Council President Gibson McElhaney presiding as Chairperson.

Roll Call / Call To Order

Councilmember Kalb arrived at the meeting at 10:55 a.m.

Present 4 - Abel J. Guillén, Dan Kalb, Laurence E. Reid, and Lynette Gibson McElhaney

1 Determination Of Closed Session

[16-0266](#)

Attachments: [View Report](#)

Special Closed Session has been scheduled for November 1, 2016 at 3:00 p.m.

A motion was made by Abel J. Guillén, seconded by Larry Reid, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

2 Approval Of The Draft Minutes From The Committee Meeting Of September 22, 2016 And September 29, 2016

[16-0267](#)

Attachments: [9/22 View Report](#)

[9/29 View Report](#)

A motion was made by Larry Reid, seconded by Abel J. Guillén, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

3 Determination Of Schedule Of Outstanding Committee Items

[16-0268](#)

Attachments: [View Report](#)

A motion was made by Larry Reid, seconded by Abel J. Guillén, that this matter be Accepted. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[16-0269](#)

Attachments: [View Report](#)

Council President Gibson McElhaney was noted absent at 10:58 a.m. and President Pro Tempore Reid chaired the meeting.

A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Accepted as Amended. The motion carried by the following vote:

Aye: 4 - Guillén, Kalb, Reid, and Gibson McElhaney

4.1 Subject: Censure of President of the Council Lynette Gibson--McElhaney.
From: Councilmember Desley Brooks On Behalf Of Members Of The Public
Recommendation: Schedule The Following:

A) A Censure Hearing, And Possible Referral To The Alameda County District Attorney's Office, Of Councilmember Lynette Gibson--McElhaney For Violation Of The City And State Laws, Council Rules Of Procedure, Ethics Rules And Oakland City Charter Investigated And Established By The Alameda County Grand Jury. Charges: 1. Councilmember Gibson-McElhaney Had A Conflict Of Interest That Prohibited Her From Using Her Elected Position To Influence An Administrative Decision On The Townhouse Project. 2. Councilmember Gibson-McElhaney Violated Ethics Rules By Privately Contacting A Department Head And City Staff To Argue Personal Objections, Resulting In The Department Head Re-Evaluating The Project. This Gave The Appearance That The Department Head Was An Advocate For The Councilmember. 3. Councilmember Gibson-McElhaney Improperly Used City Resources By Having Her Chief Of Staff Draft A Letter For Her In Opposition To The Project For The Councilmember. The Grand Jury Believes That Was A Misuse Of City Resources Solely Intended To Benefit The Councilmember Personally. 4. Councilmember Gibson-McElhaney Violated Of City And State Rules, During A Planning Commission Hearing, Where She Inappropriately Used Her Position To Question City Policy, To Challenge Staff, And To Interrupt Proceedings. 5. Councilmember Gibson-McElhaney Violated Section 218 Of The City Charter. And, [16-0284](#)

Attachments: [View Report](#)

Councilmember Kalb made a motion to move to (1) refer the matter to the City Administrator for further investigation by an independent investigator, (2) provide that the independent investigation may be done by the Public Ethic Commission, and (3) provide that the City Administrator/PEC bring the matter back to the Rules Committee immediately after completion of the investigation.

This City Resolution be Continued.to go before the *Rules & Legislation Committee

B) And An Informational Report From The City Council And Public Ethics Commission Explaining Why No Action Has Been Taken. The Grand Jury Concluded That The Failure Of The Oakland City Council And The Oakland Public Ethics Commission To Recognize And Address These Breaches Of Ethical Standards Is Unacceptable.; As Soon As Possible On The November 1, 2016 City Council Agenda And The As A Public Hearing November 1, 2016

[16-0285](#)

This Informational Report be Continued.to go before the *Rules & Legislation Committee

4.2 Subject: Measure Z Evaluation Services Contract Award
From: Office Of The City Administrator
Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Enter Into A Professional Services Agreement With Mathematica Policy Research, Inc. To:
a. Conduct A Comprehensive Evaluation Of Select Oakland Unite Strategies For Up To \$175,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$179,000 Per Year, For A Total Contract Amount Not To Exceed \$712,000 (Seven Hundred Twelve Thousand Dollars); And To b. Conduct Annual Evaluations Of All Oakland Unite Programs And Strategies For Up To \$170,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$185,000 Per Year, For A Total Contract Amount Not To Exceed \$725,000 (Seven Hundred Twenty-Five Thousand Dollars); And 2) Enter Into A Professional Services Agreement With Resource Development Associates To Conduct Annual Evaluations Of The Police Department's Geographic And Community Policing Programs For Up To \$102,000 The First Year, From October 2016 Through December 2017, With The Option To Extend For Three Additional Years For Up To \$132,000 Per Year, For A Total Contract Amount Not To Exceed \$498,000 (Four Hundred Ninety-Eight Thousand Dollars). ; As Soon As Possible.

[16-0282](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 11/15/2016

4.3 Subject: Waterways Enforcement Equipment Grant
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The State Of California Department Of Parks And Recreation, Division Of Boating And Waterways, In An Amount Not To Exceed Forty-Four Thousand Three Hundred And Eighty-Two Dollars (\$44,382) By September 30, 2017, To Purchase Equipment For The Marine Enforcement Unit (MEU) Of The Oakland Police Department (OPD)
[16-0279](#)

Attachments: [View Report](#)

Due to specific grant deadlines, staff requested placing this item directly to the City Council agenda on 11/1/2016 bypassing the Public Safety Committee.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/1/2016

4.4 Subject: Affordable Housing On The Oak To Ninth Project
From: Gene Hazzard / Member Of The Public
Recommendation: An Informational Report Related To The April 4, 2016 And The May 16, 2016 Letters From The State Department Of Finance Denying The City's Request For The Enforceable Obligation Of The Use Of \$4,000,000.00 For The Construction Of Affordable Housing On The Oak To Ninth Project Also Provide The Percentage Of Ownership In The Project Of Oakland Harbor Partners (AKA Signature Properties) And Zarison. Include ,The Current Status Of The Funds On Hand For The Construction Of Affordable Housing On The Oak To 9th Project; As Soon As Possible On The City Council Agenda
[16-0273](#)

This Informational Report be Scheduled.to go before the *Community & Economic Development Committee to be heard 12/6/2016

4.5 Subject: Abatement And Abandoned Vehicles
From: Mary Maultsby-Jeffrey / Member Of The Public
Recommendation: Request Full Report On Abatement And Abandonment Of Vehicles Left On The Streets Of Oakland For More Than 72 Hours And Cars Being Parked On The Streets Of Oakland By Unlicensed Or Licensed Auto Dealers Who Are Using The Streets Of Oakland To Sell Mass Numbers Of Vehicles (Many Of Them Unoperable). Request Information Regarding Ticketing Of These Vehicles Who Have No License Plates, Are Not Moved On Street Sweeping Day And Are Not Being Ticketed By Any Agency; As Soon As Possible On The Public Safety Committee Agenda
[16-0272](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 12/6/2016

- 4.6** Subject: OPD Crime Lab Supplies Procurement
From: Oakland Police Department
Recommendation: Adopt A Resolution Waiving The City's Competitive Advertising And Bidding, And The Request For Proposals/Qualifications Requirements For The Purchase Of Certified And Accredited Forensic Laboratory Analytical Supplies, Equipment, Instrumentation, Software, And Related Services On An As-Needed Basis When Crime Laboratory Subject Matter Experts Determine Such Supplies And / Or Services Are Required By Forensic Casework Conditions, The Laboratory's Validated Methods, Or Its Quality Assurance Program, Or Needed For The Timely Analysis Of Evidence, Or When The Materials Or Services Are Available From Only One Source, In The Amount Of Up To Three Hundred Fifty Thousand Dollars (\$350,000) Per Fiscal Year Through June 30, 2020 For A Total Cost Not To Exceed One Million Four Hundred Thousand Dollars (\$1,400,000); As Soon As Possible On The Public Safety Committee Agenda

[16-0281](#)

This City Resolution be Scheduled.to go before the *Public Safety Committee to be heard 12/6/2016

- 4.7** Subject: FY 2016-17 Justice Local Assistance Grant (JAG) Funds
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate The Fiscal Year (FY) 2016 U.S. Department Of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) Funds In An Amount Not To Exceed Six Hundred And Nine Thousand, Seven Hundred Eighty Dollars (\$609,780) For October 1, 2015 Through September 30, 2019

[16-0280](#)

Attachments: [View Report](#)

Due to specific grant deadlines, staff requested placing this item directly to the City Council agenda on 11/1/2016 bypassing the Public Safety Committee.

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/1/2016

- 4.8** Subject: Report On Residential Parking Permit Program
From: Councilmember Dan Kalb
Recommendation: Receive Informational Report On Residential Parking Permit (RPP) Program Implementation And Administration, Including But Not Limited To (1) Status Of Pending RPP Zone Applications And (2) Evaluation Of Parking Enforcement Resources For Existing RPP Zones And Anticipated Increase In The Number Of Zones.; On The First Public Works Committee Meeting In 2017

[16-0333](#)

This Informational Report be Scheduled.to go before the *Public Works Committee to be heard 1/10/2017

4.9 Subject: Settlement Of Anita Aaron V. City Of Oakland, Case No. RG1471738
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Anita Aaron V. City Of Oakland, Alameda County Superior Court Case No. RG14717380, City Attorney's File No. 29982, In The Amount Of One Hundred Ten Thousand Dollars And Zero Cents (\$110,000.00) (Public Works - Dangerous Condition)
[16-0334](#)

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 11/1/2016

4.10 Subject: Settlement Agreement Of Tracy Hobbs V. City Of Oakland, Et Al.
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Case Of Tracy Hobbs V. City Of Oakland, Alameda County Superior Court Case No. RG14753212, City Attorney's File No. 30121, In The Amount Of Seventy-Five Thousand Dollars And Zero Cents (\$75,000.00) (Public Works - Dangerous Condition)
[16-0335](#)

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 11/1/2016

4.11 Subject: Settlement Agreement Of Michael Smith, ET Al., 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 Michael Smith, A Minor By And Through His Guardian Ad Litem Danelle Cyrus V. City Of Oakland, Alameda County Superior Court Case No. RG15778881, City Attorney's File No. 30524, In The Amount Of Sixty Thousand Dollars And Zero Cents (\$60,000.00) (Oakland Parks And Recreation - Dangerous Condition)
[16-0337](#)

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 11/1/2016

4.12 Subject: Settle The Claim Of CSAA Insurance
From: The Office The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of CSAA Insurance Exchange As Subrogee Of (A/S/O) Jeanne Foss-Swaine, In The Amount Of Seven Thousand Four Hundred Twenty Dollars And 43/100 Cents (\$7,420.43) As The Result Of Damages Sustained From An Automobile Collision On January 17, 2015 (Oakland Police Department - Automobile Collision)
[16-0338](#)

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 11/1/2016

4.13 Subject: Classic Safety Police Employee Pension Cost Sharing
From: Treasury Bureau
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation

1) A Resolution Of Intention To Approve An Amendment To Contract Between The Board Of Administration California Public Employees' Retirement System And The City Council City Of Oakland, And
[16-0318](#)

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 11/1/2016

2) An Ordinance Of The City Of Oakland To Approve An Amendment To The Contract Between The City Of Oakland And The Board Of Administration Of The California Public Employees' Retirement System (CALPERS); To Include A One Percent (1%) Employees Cost Sharing Of Additional Benefits For Tier I And Tier II Classic Police Members (California Government Code Section 20516)
[16-0336](#)

This City Resolution be Scheduled.to go before the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 11/1/2016

4.14 Subject: Public Bank Feasibility Study
From: Councilmember Kaplan and Councilmember Kalb
Recommendation: Adopt A Resolution Directing The City Administrator To Prepare An Informational Report With The Cost Estimates Of Commissioning A Study Analyzing The Feasibility And Economic Impact Of Establishing A Public Bank For Or Including The City Of Oakland, And Providing Funding Options For The Feasibility Study, Including The Option Of Allocating To The Study Any Remainder Of The Money That Was Budgeted For The Goldman Sachs Debarment Proceedings; On The November 15, 2016 Finance And Management Committee Agenda
[16-0339](#)

This City Resolution be Scheduled to go before the *Finance & Management Committee to be heard 11/15/2016

Staff requested to move items 5 and 6 from the October 25, 2016 Community and Economic Development Committee meeting to November 15, 2016 committee meeting. In addition to move item 6, which was scheduled for a Public Hearing for November 1, 2016 City Council meeting, to be moved to November 29, 2016.

Subject: Macarthur Station - Consent To Property Conveyance
From: Economic And Workforce Development
Recommendation: Recommend The Oakland Redevelopment Successor Agency ("ORSA") And The City Council Adopt The Following Pieces Of Legislation:

1) An ORSO A Resolution Authorizing The Oakland Redevelopment Successor Agency Administrator Or Designee To (A) Execute A Consent To The Conveyance Of Parcels A And C-1 Of Macarthur Station By Macarthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of An Owner Participation Agreement ("OPA") Between The Oakland Redevelopment Successor Agency And MTCP; And (B) Amend The OPA To (1) Reduce The Size Of The Retail Component, Change The Size Of The Retail Component For Each Parcel And Establish Retail Leasing Requirements For Parcel A, And (2) Extend Certain Development Deadlines; Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding Certain Of The Above Actions Are Not A "Project" Under CEQA ; And

[16-0275](#)

Attachments: [View Report](#)

This be Rescheduled to go before the *Community & Economic Development Committee to be heard 11/15/2016

2) A Resolution Authorizing The City Administrator Or Designee To Execute A Consent To The Conveyance By Macarthur Transit Community Partners, LLC ("MTCP") To Hines, Or One Of Its Affiliates, Of Parcels A And C-1 Of Macarthur Station For Development Of Two Rental Residential/Retail Buildings, Pursuant To The Terms Of A Development Agreement Between The City Of Oakland And MTCP And Relying On The Previously Certified 2008 Environmental Impact Report And 2015 CEQA Addendum Per CEQA Guidelines Sections 15162-15164, 15183, 15183.3, 15168 And 15180, And Separately And Independently Finding The Conveyance Is Not A "Project" Under CEQA

[16-0276](#)

This City Resolution be Rescheduled to go before the *Community & Economic Development Committee to be heard 11/15/2016

Subject: Macarthur Bart Parcels A And C1 Revision To FDP
From: Planning And Building Department
Recommendation: Adopt A Resolution, As Recommended By The Planning Commission, Revising The Macarthur Bart Parcels A And C1 Final Development Permit (Case File PUDF08/ER01), Relying On The 2008 Macarthur Station Project Environmental Impact Report And Addenda, Finding That No Additional Environmental Review Is Needed Pursuant To CEQA Guidelines Sections 15162-15164 And Adopting Related CEQA Findings

[16-0274](#)

- Attachments:** [View Report](#)
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This City Resolution be Rescheduled to go before the *Community & Economic Development Committee to be heard 11/15/2016

Staff requested to place an item presented at the dais regarding "Uptown Art District" as no date pending to perform more community outreach.

Additional Request at the dais made by President Pro Tempore Reid to present an oral report regarding Workforce System Rapid Response and Layoff Aversion Services.

Subject: Oral Informational Report On Workforce System Rapid Response and Layoff Aversion Services
From: The Office Of The City Administrator
Recommendation: Recieve An Oral Informational Report On Workforce System Rapid Response and Layoff Aversion Services
[16-0341](#)

This Informational Report be Scheduled.to go before the *Community & Economic Development Committee to be heard 10/25/2016

Member of the Public requested to place an item for scheduling for Examining Alameda County Probate Process and the Grand Jury Investigation.

- 5** A Review Of The Draft Agendas For The City Council Meeting Of November 1, 2016 And Rules And Legislation Committee Of November 3, 2016

[16-0270](#)

Attachments: [View Report](#)

City Clerk noted several adjustments to the November 1, 2016 agenda including removal of Public Hearing as requested previously by Councilmember Guillen, adding the Infrastructure Bond Ordinance, deferring MacArthur Station Public Hearing to future City Council meeting and addition of Public Hearing regarding updating of fire code onto November 1, 2016 City Council Agenda that were forwarded through the Public Safety and Community and Economic Development Committees.

Staff also requested removal of item 7.5 on the November 1, 2016 City Council Agenda because a resolution was adopted by the City Council and not an ordinance.

There were 2 speakers on this item.

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

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

Subject: Infrastructure Bond Affordable Housing Enabling Ordinance
 From: Office Of The City Administrator
 Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Enact The City Of Oakland Affordable Housing And Infrastructure Bond Law, Which Provides For Issuance Of General Obligation Bonds To Fund The Affordable Housing Program And Other Purposes Described Herein
[16-0340](#)

Attachments: [View Report](#)
[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 11/1/2016

6 Subject: Campaign Reform Act Amendment
 From: Councilmember Dan Kalb, Noel Gallo, Abel Guillen, Vice Mayor Annie Campbell-Washington and City Attorney Barbara Parker
 Recommendation: Adopt An Ordinance Amending The "Oakland Campaign Reform Act" (OCRA) Ordinance (A) Aligning OCRA With The 2014 Amendment To The Oakland City Charter Section 603, (B) Strengthening The Commission's Enforcement Authority To Match The Government Ethics Act And The California Political Reform Act, And (C) Clarifying And Expanding Definitions And Substantive Provisions To Ensure The Act Uses Clear And Enforceable Language And (D) Enhance Independent Expenditure Disclosure Requirements
[16-0255](#)

Attachments: [View Report](#)
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Staff noted that the submitted ordinance included addition of new sponsors: Councilmember Noel Gallo, Guillen, Campbell Washington, and City Attorney Barbara Parker.

A motion was made by Abel J. Guillén, seconded by Dan Kalb, that this matter be Approve 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 11/1/2016. The motion carried by the following vote:

Aye: 3 - Guillén, Kalb, and Reid

Absent: 1 - Gibson McElhaney

Open Forum (Total Time Available: 15 Minutes)

There were 4 speakers on 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 at 1:11 p.m.

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* 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.