



City of Oakland

Office of the City Clerk
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Oakland, California 94612
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Clerk

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, June 4, 2015

10:45 AM

City Council Chamber, 3rd Floor

*The Oakland City Council Rules & Legislation Committee convened at 10:55 a.m.,
with President Pro Tempore Reid presiding as Chairperson.*

Roll Call / Call To Order

Excused 1 - Lynette Gibson McElhaney

Present 3 - Abel J. Guillén, Dan Kalb, and Laurence E. Reid

1 Determinations Of Closed Session

[14-0977](#)

Attachments: [View Report.pdf](#)

A Special Closed Session has been scheduled for June 16, 2015 at 2:30 p.m.

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

2 Approval Of The Draft Minutes From The Committee Meeting Of May 7, 2015 And May 21, 2015

[14-0978](#)

Attachments: [View Report.pdf](#)

A motion was made by Kalb, seconded by Guillén, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

3 Determination Of Schedule Of Outstanding Committee Items

[14-0979](#)

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas (SUPPLEMENTAL)
[14-0980](#)

Attachments: [View Report.pdf](#)

The Public Works Committee meeting on June 9, 2015 will be scheduled to begin at 11:00 a.m.

The Community & Economic Development Committee meeting on June 9, 2015 will be scheduled to begin at 1:00 p.m.

There were 2 speakers on this item.

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

4.1 Subject: Resolution Supporting Affordable Housing Developers
From: Vice Mayor Kaplan
Recommendation: Adopt A Resolution To Support Increasing Affordable Housing In Oakland, And To Offer Public Land For Public Benefit, Including By Providing Notice To Interested Affordable Housing Developers When Properties Which Could Be Used For Such Housing Are Coming Available; On The June 16, 2015 City Council Agenda
[14-1056](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/23/2015

4.2 Subject: Graffiti Abatement Mural Grant To East Side Arts Alliance
From: Vice Mayor Kaplan
Recommendation: Adopt A Resolution Authorizing A Grant Of \$5,000 From Vice Mayor Kaplan's Graffiti Abatement Mural and Green Wall Funds To East Side Arts Alliance For A Mural On The Property At 8400 International Boulevard, Oakland California; On The June 16, 2015 City Council Agenda
[14-1055](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/16/2015

- 4.3** Subject: Oakland Workforce Investment Board FY 2015-2016 Budget And Contracts
From: Economic And Workforce Development Department
Recommendation: Adopt A Resolution (1) Adopting The Fiscal Year 2015-2016 Workforce Investment Board Budget; 2) Accepting And Appropriating Workforce Investment Act (WIA) Title I Formula Funds For Adult, Dislocated Worker, Rapid Response And Youth Programs In The Amount Of \$4,567,188; (3) Accepting And Appropriating \$205,090 In State Department Of Education Career Pathways Trust Funds Through The Alameda County Office Of Education And Waiving Payment Of Central Services Overhead Charges For Said Grant Funds; And (4) Authorizing Contracts With Service Providers Competitively Selected By The Oakland Workforce Investment Board To Provide Adult, Dislocated Worker, Rapid Response And Youth Services From WIA Title I Formula Funds Through June 2017; On The July 7, 2015 City Council Agenda
[14-1054](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/23/2015

- 4.4** Subject: Quarterly Tracking Report For Code Enforcement
From: Council President Lynette Gibson McElhaney
Recommendation: Receive An Informational Report On The Activities Of The Code Enforcement Department, Including Qualitative And Quantitative Analysis Of Complaints Received, Notices Of Violations Sent, Amount In Fines Collected, Volume And Results Of Inspections, And Other Such Metrics To Illuminate The Efforts To Address Blight And Enforce City Laws In The City Of Oakland; On The October 13, 2015 Community And Economic Development Committee Agenda As A Quarterly Item
[14-1053](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 10/13/2015 as a Quarterly Report

- 4.5** Subject: Oakland's Youth Advisory Commission Report And Recommendations
From: Department Of Human Services
Recommendation: Receive A Report From Oakland's Youth Advisory Commission And Recommendations For Accountable And Effective Policing In Oakland With A Goal To Improve Relations Between Law Enforcement, The Community, And Young People; On The June 23, 2015 Public Safety Committee Agenda
14-1052

This Report and Recommendation was Scheduled.to the *Public Safety Committee to be heard 6/23/2015

- 4.6 Subject: Measure Z Violence Prevention Strategies/Spending Plan
From: Human Services Department
Recommendation: Adopt A Resolution Approving The Measure Z Violence Prevention Program Strategies, Funding Amounts, And The Request For Proposal Process For The Funding Cycle For January 2016 Through Fiscal Year 2017-2018; On The June 23, 2015 Public Safety Committee Agenda
[14-1051](#)

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 6/23/2015

- 4.7 Subject: Claremont EAP Amendment To Add OFD
From: Human Resources Management Department
Recommendation: Adopt A Resolution Authorizing The City Administrator To Amend Resolution No. 83596 C.M.S. Authorizing An Agreement With Claremont Behavioral Services, Inc. ("Claremont") Adding The Provision Of Employee Assistance Program (EAP) Services To Sworn Employees Of The Oakland Fire Department And Their Respective Dependents In An Amount Not To Exceed \$30,000 Per Year For Fiscal Years 2015-2016 Through 2019-2020, Under The Same Terms And Conditions As Agreed Under The Citywide Employee Assistance Program Services Agreement With Exception To The Service Model Terms; On The June 23, 2015 Finance & Management Committee Agenda
[14-1049](#)

This City Resolution was Scheduled.to the *Finance & Management Committee to be heard 6/23/2015

- 4.8 Subject: Elder Abuse Awareness Month
From: Councilmember Campbell Washington
Recommendation: Adopt A Resolution Declaring The Month Of June 2015 As Elder Abuse Awareness Month; On The June 16, 2015 City Council Agenda As A Ceremonial Item
[14-1048](#)

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/16/2015 as a Ceremonial Item

- 4.9 Subject: PFRS Investments & PFRS Actuary Report
From: Finance Department
Recommendation: Receive An Informational Report On The Oakland Police And Fire Retirement System (PFRS) Investment Portfolio As Of March 31, 2015 And 2014 Actuary Valuation; On The June 23, 2015 Finance & Management Committee Agenda
[14-1045](#)

This Informational Report was Scheduled.to the *Finance & Management Committee to be heard 6/23/2015

- 4.10** Subject: Rainbow Recreation Center Professional Services Contract
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Award And Execute A Professional Services Contract With Byrens Kim Design Works For The Design And Construction Of The Rainbow Recreation Center Expansion And Renovation Project (No. C470910) For An Amount Not To Exceed Five Hundred Twenty-Five Thousand Dollars (\$525,000.00); On The June 23, 2015 Public Works Committee Agenda
[14-1044](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 6/23/2015

- 4.11** Subject: Foothill-Seminary Public Transit Hub Streetscape
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit With Mcguire And Hester For The Construction Of Foothill/Seminary Public Transit Hub Streetscape (Project No. C429610) From Fifteen Percent (15%) To Twenty-Three Percent (23%) Of The Original Contract Amount; On The June 23, 2015 Public Works Committee Agenda
[14-1043](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 6/23/2015

- 4.12** Subject: Rehab Of Sanitary Sewers
From: Oakland Public Works Department
Recommendation: Adopt A Resolution Awarding A Construction Contract To J. Howard Engineering, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications For the Rehabilitation of Sanitary Sewers In The Area Bounded By 17th Street, 21st Street, 27th Street, Inyo Avenue And 25th Street (Project No. C329145) And With Contractor's Bid In The Amount Of Two Million Nine Hundred Forty-Nine Thousand Three Hundred Thirty-Eight Dollars (\$2,949,338.00); On The June 23, 2015 Public Works Committee Agenda
[14-1042](#)

This City Resolution was Scheduled.to the *Public Works Committee to be heard 6/23/2015

4.13 Subject: Creating The Department Of Race And Equity
From: Councilmember Desley Brooks
Recommendation: Adopt An Ordinance Amending Chapter 2.29 Of The Oakland Municipal Code Entitled, "City Agencies, Departments And Offices", Which Established The Organizational Structure Of The City Under The City Administrator's Jurisdiction In Accordance With The Requirements Of The City Charter Section 600, To Create The Department Of Race And Equity By December 2015, That Will Report Directly To The City Administrator; Establishing Definitions And Implementation Steps Related To A Citywide Strategy Of A Fair And Just City; And Receive An Informational Report Identifying The Timeline And All Steps Necessary To Implement The Department By December 2015 [TITLE CHANGE]; On The June 16, 2015 City Council Agenda
[14-0457](#)

- Attachments:** [View Finance Committee Report.pdf](#)
[View Life Enrichment Committee Report.pdf](#)
[View Finance Supplemental Report.pdf](#)
[View Life Enrichment Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)
[View Supplemental Report.pdf](#)

This Ordinance was Scheduled.to the Meeting of the Oakland City Council to be heard 6/16/2015

4.14 Subject: Salary Ordinance Amendment For Public Ethics Classifications
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Amend The Classification, Salary And Representation Unit Of Executive Director, Public Ethics Commission And Create The Classifications Of Deputy Director, Public Ethics Commission; Ethics Investigator; Ethics Analyst I; And Ethics Analyst II; On The June 23, 2015 Finance & Management Committee Agenda
[14-1050](#)

This Ordinance was Scheduled.to the *Finance & Management Committee to be heard 6/23/2015

- 4.15** Subject: Amendments To Business Improvement Management District Ordinance
From: Economic & Workforce Development Department
Recommendation: Adopt An Ordinance Amending Chapter 4.48 Of The Oakland Municipal Code (1) To Allow The City To Enter Into Contracts Exceeding One Year With Nonprofit Corporations To Administer Business Improvement Management Districts (BIMD), (2) To Clarify That More Than 30 Percent Of Affected Properties Must Petition For The Formation Of A New BIMD, (3) To Change The Official Responsible For Administering BIMDs From The City Clerk To The City Administrator, And (4) To Allow A Summary Of The Management District Plan To Be Attached To Petitions To Form BIMDs; On The June 23, 2015 Community And Economic Development Committee Agenda
[14-1047](#)

This City Resolution was Scheduled.to the *Community & Economic Development Committee to be heard 6/23/2015

Items Submitted On The Dais

- #1** Subject: B&B Vehicle Processing Contract Extension
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing Extension Of The Agreement With B&B Towing Authorized By Resolution No. 81365 C.M.S. For Towing And Storage Of Vehicles, Collection And Administration Of Towing Fees, Lien Sales According To Law, And Various Other Administrative Services Connected With Police-Related Towing Operations For Up To One (1) Year Under The Same Terms And Conditions; And, (2) Waiving Advertising And Request For Proposal (“RFP”) Process For Said Extension; On The June 16, 2015 City Council Agenda
[14-1046](#)

Councilmember Kalb made a motion seconded by Councilmember Guillen to approve the urgency finding this item or 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 (1) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 6/9/2015

- #2** Subject: Elizabeth Paloma Gonzalez 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 Elizabeth Paloma Gonzalez V. City Of Oakland, Alameda County Superior Court Case No. Rg13677698, City Attorney’s File No. 29273, In The Amount Of Eight Thousand Five Hundred Dollars (\$8,500.00) (Oakland Public Works - Trip And Fall); On The June 16, 2015 City Council Agenda
14-1058

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/16/2015

- #3** Subject: Ruano 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 Linda D. Ruano V. City Of Oakland, Et Al, Alameda County Superior Court Case No. Rg13-692524, In The Amount Of Sixty Thousand Dollars And No Cents (\$60,000.00) As A Result Of A Trip And Fall Incident On Or About January 21, 2013 (Office Of Public Works - Dangerous Condition/Trip And Fall)
14-1059

This City Resolution was Scheduled.to the Meeting of the Oakland City Council to be heard 6/16/2015

- #4** Subject: Truancy In The City Of Oakland
From: Councilmember Brooks
Recommendation: Receive An Informational Report On The Truancy In The City Of Oakland; Its Impact On Public Safety; And The Status Of Any Existing Partnerships With The Oakland Unified School District And/Or Alameda County To Address Truancy; On The July 28, 2015 Public Safety Committee Agenda
14-1057

This City Resolution was Scheduled.to the *Public Safety Committee to be heard 7/28/2015

- #5** 3) Receive An Informational Report Summarizing The Community Budget Forum Process And Outcome In Accordance With The City's Consolidated Fiscal Policy
14-1061

This City Resolution was Scheduled.to the * Special Meeting of the Oakland City Council to be heard 6/8/2015

- #6** 4) Receive A Report From The Budget Advisory Committee (BAC) Providing Feedback On The Mayor's Fiscal Year (FY) 2015-17 Proposed Policy Budget In Accordance With The City's Consolidated Fiscal Policy
14-1060

This City Resolution was Scheduled.to the * Special Meeting of the Oakland City Council to be heard 6/8/2015

From the June 9, 2015 Public Safety Committee:

Subject: Informational Request From 100 Black Men Of The Bay Area
From: Members Of The Public
Recommendation: Receive The Following Informational Report From The Oakland Police Department In Response To The Rules Request From 100 Black Men Of The Bay Area (Frank Tucker):

1) Receive A Report And Recommendations Regarding Adopting Legislation Requiring The Use Of Psychological Testing And Screening For Officer New Hires, And The Re-testing Of All Sworn Personnel In 5 Year Intervals Thereafter; And [14-0823](#)

Attachments: [View Report.pdf](#)

This Report and Recommendation was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 7/14/2015

2) Receive A Report And Recommendations Regarding Adopting Policies And Procedures Which Require OPD To Train Officers More Effectively In The Use Of Force, Especially Lethal Force; Such Training Should Not Only Define Conditions In Which Officers May Use Lethal Force But Also, More Broadly, Show Them How To Avoid It; And [14-0824](#)

This Report and Recommendation was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 7/14/2015

3) Receive A Report And Recommendations Regarding Adopting Legislation To Eradicate The Persistent Widespread Custom Or Practice Of Concealing Or Suppressing Investigations Into Police Officer Misconduct; In Order For The Public To Be Safe We Must Break Down The "Blue Wall Code Of Silence" That Exists In Law Enforcement Agencies Throughout This Nation. Good Officers Must Not Defend Bad Officers Or Their Misconduct; aND [14-0825](#)

This Report and Recommendation was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 7/14/2015

4) Receive A Report And Recommendations Regarding Adopting Officer Reporting And Disclosure Requirements For Both Responding And On-Scene Officers In All Use Of Force Cases; Mandatory Firing And Criminal Prosecution For Failure To Report And/Or Disclose Officer Misconduct And For Providing False Information; And [14-0826](#)

This Report and Recommendation was * Withdrawn and Rescheduled.to the *Public Safety Committee to be heard 7/14/2015

5) Receive A Report And Recommendations Regarding Adopting Legislation Prohibiting Any Law Enforcement Officer To Ask For, Or Take, Someone's Camera, Phone, And/Or Other Device That Takes Photos Or Records Video Without First Securing A Warrant Issued By A Judge; And

[14-0827](#)

Attachments: [View Report.pdf](#)

This Report and Recommendation was * Withdrawn and Rescheduled to the *Public Safety Committee to be heard 7/14/2015

6) Receive A Report And Recommendations Regarding Adopting Legislation To Send Law Enforcement Video, Dash Cams, Etc., To The Cloud In Real Time, To Avoid Any Tampering Of Evidence; And

[14-0828](#)

This Report and Recommendation was * Withdrawn and Rescheduled to the *Public Safety Committee to be heard 7/14/2015

7) Receive A Report And Recommendations Regarding Adopting Legislation To Stop Criminalizing The Victim; Adopting A Policy On The Release Of Criminal And Personal Information Of Individuals Involved In Excessive Use Of Force Cases And Officer Involved Shootings; And

[14-0829](#)

This Report and Recommendation was * Withdrawn and Rescheduled to the *Public Safety Committee to be heard 7/14/2015

8) Receive A Report And Recommendations Encouraging The Public To Initiate A "Do Shoot" Campaign Urging Anyone Who Sees Someone Being Pulled Over By The Police Or Being Arrested To Shoot Video Of The Incident With Their Cell Phone Camera As A Means Of Self Defense

[14-0830](#)

This Report and Recommendation was * Withdrawn and Rescheduled to the *Public Safety Committee to be heard 7/14/2015

5 A Review Of The Draft Agendas For The City Council Meeting Of June 16, 2015 And The Rules And Legislation Committee Of June 18, 2015

[14-0981](#)

Attachments: [View Report.pdf](#)

A motion was made by Guillén, seconded by Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

6 Subject: Support For AB 1240: Student Access To Free Breakfast
From: Council President Gibson McElhaney
Recommendation: Adopt A Resolution In Support Of California Assembly Bill 1240 (Bonta And Thurmond) Which Ensures More California Children Have Access To Free Breakfast In Order To Enhance Student Achievement, Attendance, Mental And Physical Health
[14-0985](#)

Attachments: [View Supplemental Report.pdf](#)
[View Report.pdf](#)

A motion was made by Kalb, seconded by Guillén, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 6/16/2015. The motion carried by the following vote:

Excused: 1 - Gibson McElhaney

Aye: 3 - Guillén, Kalb, and Reid

Open Forum (Total Time Available: 15 Minutes)

There were 2 Open Forum speakers.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Rules & Legislation Committee adjourned the meeting at 11:41 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 48 hours 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

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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.