



City of Oakland

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Oakland, California 94612
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Meeting Minutes

*Special Public Safety Committee

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

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

Tuesday, December 15, 2015

6:00 PM

Sgt. Mark Dunakin Room - 1st Floor

*The Oakland City Council Public Safety Committee convened at 6:06 p.m., with
Councilmember Brooks presiding as Chairperson.*

Roll Call / Call To Order

Present 4 - Noel Gallo, Dan Kalb, Abel J. Guillén, and Desley Brooks

- 1 Approval Of The Draft Minutes From The Committee Meeting Of December 1, 2015
[15-0394](#)

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

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 2 Determination Of Schedule Of Outstanding Committee Items
[15-0395](#)

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

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

3 Subject: Training In And Reporting The Use Of Force
From: Members Of The Public (100 Black Men Of The Bay Area)
Recommendation: Receive The Following:

1) 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](#)

- Attachments:** [View Report.pdf](#)
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A motion was made by Gallo, seconded by Guillén, that this matter be Continued to the *Public Safety Committee, to be heard 1/26/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

2) 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

[14-0826](#)

- Attachments:** [View Report.pdf](#)
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The Committee continued the item and requested that staff provide a supplemental report which contains the following:

1. *Identify the policy which has been submitted to the Court,*
2. *How that policy will be implemented,*
3. *What policies are being discussed in the Meet & Confer, and*
4. *Provide information on whether a Board of Inquiry should be established for all officer-involved shootings as it was when four officers were killed in the line of duty.*

There were 4 speakers on this item.

A motion was made by Gallo, seconded by Guillén, that this matter be Continued to the *Public Safety Committee, to be heard 1/26/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

4 Subject: Creation Of A Privacy Advisory Commission
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Establishing The Privacy Advisory Commission, Providing For The Appointment Of Members Thereof, And Defining The Duties And Functions Of Said Commission
[15-0294](#)

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The Committee approved the ordinance as amended to read as follows:

1. Section 3. Membership & Quorum. (a) The Commission shall consist of nine (9) members, at least six (6) of whom are Oakland residents. Pursuant to Section 601 of the Charter, members of the Commission shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council. Each Councilperson shall nominate for the Mayor's consideration his/her own recommendation for Commission member. Notwithstanding such recommendation, the Mayor retains full appointment authority pursuant to the Charter.

2. Section 3. Membership & Quorum. (g) All members of the Privacy Commission shall be persons who have an interest in privacy rights as demonstrated by work experience, civic participation, and/or political advocacy. No member may be an elected official. Members of the Privacy Commission may represent the following criteria to the extent possible: (1) an attorney, legal scholar, or activist with expertise in privacy, civil rights, or a representative of an organization with expertise in the same; (5) a member of an organization which focuses on government transparency and openness or an individual, such as a former government employee, with experience working on government transparency and openness.

There were 3 speakers on this item.

A motion was made by Gallo, seconded by Kalb, that this matter be Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 5 Subject: Goat Grazing Contract
From: Oakland Fire Department
Recommendation: Adopt A Resolution: 1) Waiving The Advertising And The Fixed, Sealed Bid, Price-Based Bid Process; And 2) Authorizing The City Administrator Or Her Designee To Enter Into A Professional Services Contract With Ecosystems Concepts, Inc. (ECI), To Provide Goat Grazing Services In The City Of Oakland For A Two (2) Year And Six (6) Month Period Beginning July 1, 2015 Through December 31, 2017, For A Total Contract Amount Not To Exceed Six Hundred Seventy-Five Thousand, Five Hundred Seventy-Five Dollars (\$675,575.00) For The Entire Two Year (2) And Six Month (6) Period

[15-0402](#)

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[DOC011916-005 0119D](#)

A motion was made by Gallo, seconded by Kalb, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 6 Subject: Fiscal Year 2015, Urban Search And Rescue Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator Or Her Designee To (A) Enter Into A Grant Cooperative Agreement With The Federal Emergency Management Agency (FEMA) To Accept And Appropriate Federal FEMA Funds For The Period September 30, 2015 To September 30, 2018, In The Amount Of One Million Two Hundred Twenty Nine Thousand Five Hundred Eighty Two Dollars (\$1,229,582) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (US&R) Task Force (US&R Task Force) And (B) To Expend The FEMA Funds In Accordance With The Preliminary Spending Plan Without Further Council Approval, Including Funding For Training And The Purchase Of Equipment From The General Services Administration (GSA) And Other Government Pricing Schedules; (2) Waiving The City's Advertising, Competitive Bidding And Purchasing Requirements For The Procurement Of Equipment When Required By The Grant Terms; And (3) Approving Travel For City Personnel That Provide Services Under The FEMA Cooperative Agreement On Short Notice Without Further Council Authorization

[15-0403](#)

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[85941 CMS](#)

A motion was made by Gallo, seconded by Kalb, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 7** Subject: Oakland School Police Vehicle Donation
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To Accept On Behalf Of The City Of Oakland Six Used Motorcycles Valued At \$64,000 (Sixty Four Thousand Dollars), One Used Vehicle Trailer Valued At \$5,000 (Five Thousand Dollars), And One Used Panel Van Valued At \$7,500 (Seven Thousand Five Hundred Dollars), From The Oakland Unified School District Police Department (OSPD) To Be Used For Official Oakland Police Department (OPD) Purposes [TITLE CHANGE]
[15-0404](#)

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The Committee requested that staff provide the following supplemental reports:

- 1. Provide greater explanation as to why the cost for operation and maintenance is so high; and*
- 2. Provide OUSD's Declaration of Surplus Property, if available.*

A motion was made by Guillén, seconded by Gallo, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 8** Subject: Frozen Evidence Storage Services
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To 1) Waive The Advertising/Bidding And Request For Proposal/Qualifications Requirements, And 2) Purchase Frozen Evidence Storage Services From Schaefer's Cold Storage For Two Years With Two Discretionary One-Year Extensions For One Hundred Twenty Five Thousand Dollars (\$125,000) Per Year And A Total Not To Exceed Five Hundred Thousand Dollars (\$500,000)
[15-0356](#)

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[85942 CMS](#)

A motion was made by Gallo, seconded by Kalb, that this matter be Approve the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 9 Subject: Forensic Biology Supply Purchase
From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: 1) Waive The City's Competitive Advertising And Bidding Requirements And Purchase DNA Analysis Supplies, Instrumentation, Instrument Services, And DNA Interpretation Software From Applied Biosystems (A.K.A. Thermofisher), Qiagen, Aurora Biomed, Niche Vision, VWR/Fisher/ USA Scientific And Promega; And Sexual Assault Evidence Collection Kits From Tritech, Inc., For A Total Cost Not To Exceed Four Hundred Sixty Five Thousand Dollars (\$465,000); And 2) Extend The Purchasing Agreement With Each Vendor Without Returning To City Council Through June 30, 2020, For A Total Cost Not To Exceed Three Hundred Thirty Thousand Dollars (\$330,000) Per Fiscal Year, For A Total Purchase Agreement Not To Exceed One Million Seven Hundred Eighty Five Thousand Dollars (\$1,785,000)
[15-0405](#)

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[DOC011916-008 0119D](#)

A motion was made by Gallo, 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 1/4/2016. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

DUE TO THE PRESENCE OF VICE MAYOR KAPLAN AND COUNCILMEMBER CAMPBELL WASHINGTON, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING OF THE PUBLIC SAFETY COMMITTEE AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 7:10 P.M.

- 10 Subject: Imposing A Ban On Unsecured Concealable Firearms
From: Councilmembers Kaplan, Kalb & Campbell Washington And City Attorney Barbara Parker
Recommendation: Adopt An Ordinance Banning Unsecured Firearms And Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public Places" As Defined In The Ordinance [TITLE CHANGE]
[15-0422](#)

Attachments: [View Report](#)

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Items 10, 11 and 12 were taken together.

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 1/5/2016 as a Non-Consent Item. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 11 Subject: City Issued Firearms
From: Councilmembers Kaplan, Kalb & Campbell Washington And City Attorney Barbara Parker
Recommendation: Adopt An Ordinance Requiring That City-Issued Firearms In Unattended Vehicles Be Secured [TITLE CHANGE]
[15-0423](#)

Attachments: [View Report](#)

The Committee approved recommendations and requested the item be scheduled for Meet & Confer with applicable employee unions. Once the Meet & Confer process has been completed, the City Administrator or City Attorney shall schedule the item to the City Council for consideration.

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. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

- 12 Subject: Large Capacity Magazine Ban & Safe Firearm Storage
From: Councilmembers Dan Kalb & Annie Campbell Washington
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Prohibiting Possession Of Large-Capacity Magazines; And
[15-0424](#)

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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 1/5/2016 as a Non-Consent Item. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

2) An Ordinance Requiring The Safe Storage Of A Firearm In A Residence
[15-0426](#)

- Attachments:** [View Report](#)
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The Committee approved recommendations as amended to add the following:

Section 1. Chapter. (C) Definitions. "Locked Container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device as defined by California Penal Code Section 16850. It includes a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this Chapter, it does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag."

There were 15 speakers on items 10, 11 and 12.

A motion was made by Kalb, seconded by Guillén, that this matter be Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council, to be heard 1/5/2016 as a Non-Consent Item. The motion carried by the following vote:

Aye: 4 - Gallo, Kalb, Guillén, and Brooks

Open Forum (TOTAL TIME AVAILABLE: 15 MINUTES)

There was one Open Forum speaker.

Adjournment

There being no further business, and upon the motion duly made, the Oakland City Council Public Safety Committee adjourned the meeting at 8:18 p.m.

*** In the event of 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.**

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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 8:30 A.M. TO 5:00 P.M.