



City of Oakland

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

Meeting Agenda - SUPPLEMENTAL

*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

DEFINITION OF TERMS:

Consent Item: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee.

Non-Consent Item: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee.

Action Item: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

Informational Item: an item of the agenda consisting only of an informational report that does not require or permit Council action.

Roll Call / Call To Order

COMMITTEE MEMBERSHIP:

Abel J. Guillén, District 2; Dan Kalb, District 1; President Pro Tempore Larry Reid, District 7; Chairperson: Council President Lynette Gibson McElhaney, District 3

1 Determination Of Closed Session

[16-0266](#)

Attachments: [View Report](#)

- 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](#)

- 3 Determination Of Schedule Of Outstanding Committee Items

[16-0268](#)

Attachments: [View Report](#)

- 4 Scheduling Of Agenda Items And Revisions To Previously Distributed 10-Day Agendas
(SUPPLEMENTAL)

[16-0269](#)

Attachments: [View Report](#)

- 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 Lynnette 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](#)

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](#)

- 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](#)

- 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); As Soon As Possible On The Public Works Committee Agenda

[16-0279](#)

- 4.4** Subject: Affordable Housing On The Oak To Ninth Project
From: Gene Hazzard
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](#)
- 4.5** Subject: Abatement And Abandoned Vehicles
From: Mary Maultsby-Jeffrey
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](#)
- 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](#)

- 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; As Soon As Possible On The Public Safety Committee Agenda
[16-0280](#)
- 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](#)
- 4.9** Subject: Settlement Of Anita Aaron V. City Of Oakland, Case No. RG1471738
From: Treasury Breau
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); On The November 1, 2016 City Council Agenda
[16-0334](#)
- 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); On The November 1, 2016 City Council Agenda
[16-0335](#)
- 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 - Premises Liability); On The November 1, 2016 City Council Agenda
[16-0337](#)

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 A/S/O Jeanne Foss-Swaine, In The Amount Of Seven Thousand Four Hundred Twenty Dollars An 43/100 Cents (\$7,420.43) (Oakland Police Department -Automobile Collision)
[16-0338](#)

4.13 Subject: Classic Safety Police Employee Pension Cost Sharing
From: Treasury Bureau
Recommendation: Adopt The Following Pieces Of Legislation Resolution

1) A Resolution Of Intention Of The California Public Employees' Retirement System (CALPERS), And

[16-0318](#)

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), As Approved In The 2015 Memorandum Of Understanding Between City Of Oakland And Oakland Police Officer Association (OPOA), City Of Oakland And Oakland Police Management Association (OPMA).; On The November 1, 2016 City Council Agenda And As A Public Hearing On November 1, 2016

[16-0336](#)

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](#)

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](#)

- 6** Subject: Campaign Reform Act Amendment
From: Councilmember Dan Kalb
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](#)

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Legislative History

9/29/16	*Rules & Legislation Committee	Scheduled to the *Rules & Legislation Committee
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Open Forum (Total Time Available: 15 Minutes)

Adjournment

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

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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.