

# 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 - FINAL

## \*Rules and Legislation Committee - CANCELLED

Thursday, February 22, 2018

10:45 AM

City Council Chamber, 3rd Floor

\*\*\* THIS RULES AND LEGISLATION MEETING HAS BEEN CANCELLED. THE NEXT REGULARLY SCHEDULED MEETING OF THE RULES AND LEGISLATION COMMITTEE IS MARCH 1, 2018.\*\*\*

## **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:**

Lynette McElhaney, District 3; President Pro Tempore Abel J. Guillén, District 2; Vice Mayor Campbell Washington, District 4; Chairperson: President Reid, District 7

1 Determinations Of Closed Session

18-0122

<u>Attachments:</u> <u>View Report</u>

2 Approval Of The Draft Minutes From The Committee Meeting Of February 8, 2018

18-0123

Attachments: View Report

3 Determination Of Schedule Of Outstanding Committee Items

18-0124

Attachments: View Report

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

18-0125

Attachments: View Report

**4.1** Subject: Informational Presentation On OPRYD Vision And Direction

From: Councilmember McElhaney

Recommendation: Receive An Informational Presentation From The Oakland Parks, Recreation And Youth Development Department About Their New Vision And Efforts To Improve Services For Oakland's Youth; On The February 27, 2018 Special Life Enrichment Committee Agenda 2:00 P.M.

18-0191

**4.2** Subject: Settlement Of Chinwe Olike, Et Al., V. City Of Oakland And United Financial Casualty Co. 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 Cases Of: (1) Chinwe Olike & Ogenna Udemezue V. City Of Oakland, Et Al., Alameda County Superior Court No. RG16810453 In The Amount Of Ten Thousand Dollars And No Cents (\$10,000) And (2) The Related Case Of United Financial Casualty Co., V. City Of Oakland, Alameda County Superior Court, Case No. RG17854117) In The Amount Of Thirty Six Thousand Dollars, One Hundred And Fifteen Dollars And Fifty Two Cents (\$36,115.52) As A Result Of An Auto Collision On May 21, 2015. (Oakland Police Department- Auto Collision) For A Total Settlement Amount Of Forty Six Thousand, One Hundred And Fifteen Dollars And Fifty Two Cents. (\$46,115.52); On The March 6, 2018 City Council Agenda

4.3 Police Commission Enabling Ordinance Subject: From: Councilmembers Dan Kalb And Noel Gallo

> Recommendation: Adopt An Ordinance (1) Enabling Implementation Of The City Charter Amendment Creating The Oakland Police Commission And The Community Police Review Agency, (2) Establishing A Civilian Inspector General, And (3) Requiring An Annual Report And Presentation By The Community Policing Advisory Board To The Commission; On The March 6, 2018 City Council Agenda As A Non-Consent Item 16-1095

Sponsors: Kalb and Gallo View Report Attachments:

> View Report - Gallo Alternative View Supplemental Report - Kalb

#### Legislative History

5/4/17 \*Rules & Legislation Scheduled to the \*Public Safety Committee

Committee

6/13/17 \*Special Public Safety No Action Taken

Committee

A motion was made by Councilmember Gallo, seconded by Councilmember Brooks, to approve the Councilmember Gallo/Community alternative ordinance and forward it to the full council on June 20, 2017.

A substitute motion was made by Council President Reid, seconded by President Pro Tempore Guillen, to approve the original ordinance, Councilmember Kalb's ordinance. Councilmember Brooks and

Councilmember Gallo voted no.

35 speakers spoke to this item.

6/20/17 Concurrent Meeting of the Referred to the Special Concurrent Meeting Oakland Redevelopment of the Oakland Redevelopment Successor

Successor Agency / City Council / Geologic Hazard Abatement District Board

Abatement District Board

6/20/17 Concurrent Meeting of the Referred to the Special Concurrent Meeting

of the Oakland Redevelopment Successor Oakland Redevelopment Successor Agency / City Agency/City Council

Agency/City Council

Council / Geologic Hazard

6/27/17

Special Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council ORIGINAL MOTION: Continued to the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

Councilmember Kalb made a motion, seconded by Council President Reid to amend the ordinance as follows:

Direct the City Administrator to offer to meet and confer with the applicable unions, as required by state law, over the relevant provisions of version of the Police Commission Enabling Ordinance that we vote on tonight.

## STRIKE THE FOLLOWING LANGUAGE:

B. Results of a criminal records search. The results of each criminal records search shall be disclosed only to the Appointing Authority that is considering the Commissioner or alternate, and shall remain confidential to the greatest extent permitted by law. The Appointing Authority may use the results of the criminal records search solely for the purpose of evaluating the candidates for Commissioner and alternate. Nothing in this Chapter 2.45 shall be construed to require the 8election Panel or the Mayor to disqualify an applicant because of the results of the criminal records search.

## ADD TEXT AS FOLLOWS:

Note: This change will require a change in 2.45.190 H (Commissioner training) as follows:

H. Commissioners will attend a police academy curriculum designed for them by the Chief after consultation with the Commission. The curriculum shall be designed so that criminal background checks will not be required for attendance.

2.46.040 - Agency Director.

The Agency shall report to, AND BE SUPERVISED BY, the Commission, and shall be responsible for the day-to-day operations of the Agency.

#### SUBSTITUTE MOTION:

Councilmember Gallo made a substitute motion, seconded by Councilmember Brooks to move the ordinance with the amendments included in the main motion and adding the following:

Section 2.45.130 Establishment of Discipline Committee

B. Membership in the Discipline committees shall rotate for each police officer discipline or termination case, as determined by the Chairperson of the Commission, PROVIDED, HOWEVER, THAT NO MORE THAN ONE COMMISSIONER

APPOINTED BY THE MAYOR SHALL BE APPOINTED TO EACH DISCIPLINE COMMITTEE.

The council took action on the substitute motion.

The substitute motion tied by Ayes: Brooks, Gallo, Campbell Washington,

Kaplan and Noes: Guillen, Kalb, McElhaney, Reid.

There were 42 speakers on this item

7/18/17 Concurrent Meeting of the

Continued to the \*Rules & Legislation Committee

Oakland Redevelopment

Successor Agency / City Council / Geologic Hazard

Abatement District Board

Councilmember Kalb made a motion, seconded by Council President Reid to amend the ordinance as follows:

Direct the City Administrator to offer to meet and confer with the applicable unions, as required by state law, over the relevant provisions of version of the Police Commission Enabling Ordinance that we vote on tonight.

STRIKE THE FOLLOWING LANGUAGE:

"The Council approved an alternative motion to direct the City Administrator to meet and confer with the applicable unions, as required by state law, over the relevant provisions of this version of the Police Commission Enabling Ordinance with the following amendments:

#### STRIKE THE FOLLOWING LANGUAGE:

"B. Results of a criminal records search. The results of each criminal records search shall be disclosed only to the Appointing Authority that is considering the Commissioner or alternate, and shall remain confidential to the greatest extent permitted by law. The Appointing Authority may use the results of the criminal records search solely for the purpose of evaluating the candidates for Commissioner and alternate. Nothing in this Chapter 2.45 shall be construed to

require the 8election Panel or the Mayor to disqualify an applicant because of the results of the criminal records search.

ADD TEXT AS FOLLOWS:

Note: This change will require a change in 2.45.190 H (Commissioner training)

as follows:

H. Commissioners will attend a police academy curriculum designed for them by the Chief after consultation with the Commission. The curriculum shall be designed so that criminal background checks will not be required for attendance.

2.46.040 - Agency Director.

The Agency shall report to, AND BE SUPERVISED BY, the Commission, and shall be responsible for the day-to-day operations of the Agency."

with return after completion of necessary meet and confer with labor groups.

4.4 Subject: Commending Axis Dance Company

From: Councilmember McElhaney

Recommendation: Adopt A Resolution Congratulating Axis Dance Company For 30 Years Of Incredible Service To The City Of Oakland And Residents With Disabilities; On The March 6, 2018 City Council Agenda As A Ceremonial Item 17-0239

<u>Sponsors:</u> McElhaney

Attachments: View Report

### Legislative History

10/12/17 \*Rules & Legislation Scheduled to the Special Concurrent

Committee Meeting of the Oakland Redevelopment

Successor Agency/City Council

11/28/17 Special Concurrent Meeting Withdrawn and Rescheduled to the Special

of the Oakland Concurrent Meeting of the Oakland
Redevelopment Successor Agency / City
Agency/City Council Council / Geologic Hazard Abatement

**District Board** 

4.5 Subject: Califa/CENIC Agreement

From: Oakland Public Library

Recommendation: Adopt A Resolution Authorizing The City Administrator To Execute An Agreement With Califa Group In An Amount Not To Exceed Six Hundred Two Thousand Three Hundred Sixty-One Dollars (\$602,361) Over A 5-Year Period For The Provision, Installation And Maintenance Of Advanced Network (Data) Services To Allow The Library To Receive Telecommunications Services From Corporation For Education Network Initiatives In California (CENIC), Upgrading The Library Wide Area Network (WAN) And Internet Connectivity, With A Potential Deep Discount Using E-Rate And California Teleconnect Funds (CTF); On The March 6, 2018 City Council Agenda As A Non-Consent Item

## 18-0182

4.6 Subject: June 2018 Ballot Measure - Special Parcel Tax For Direct Library ServicesFrom: Office Of The City Attorney

Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The June 5, 2018 Statewide Primary Election, A Proposed Ordinance To Adopt A Special Parcel Tax To Protect And Improve Direct Library Services Throughout Oakland; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The June 5, 2018 Statewide Primary Election; On The March 6th 2018 City Council Agenda

4.7 Subject: Settlement Of Olga Cortez, 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 Cases Of: Olga Cortez, Et Al., V. City Of Oakland, Et Al., United States District Court No. 16-CV-06256-JSW In The Amount Of Thirty Five Thousand Dollars And No Cents (\$35,000) Arising From Alleged Assaultive Conduct Of Intoxicated Off-Duty OPD Officer On December 7, 2015. (Oakland Police Department-Civil Rights) For A Total Settlement Amount Of Thirty Five Thousand And No Cents. (\$35,000); On The March 6, 2018 City Council Agenda

18-0190

4.8 Subject: Support Of Temporary Protected Status

From: Councilmembers Brooks

Recommendation: Adopt A Resolution Calling On The Federal Government To Extend Temporary Protected Status (TPS) For All Nations Currently Under The Program, And To Establish A Pathway To Permanent Residency For Current Beneficiaries; On The March 8, 2018 Rules And Legislation Committee Agenda

18-0173

**4.9** Subject: ENA For 95th And International Blvd. And 3050 International Blvd.

From: Economic And Workforce Development Department Recommendation: Adopt The Following Pieces Of Legislation:

- 1) A Resolution Authorizing The Right To Negotiate And Execute An Exclusive Negotiating Agreement, Without Engaging In A Competitive Solicitation Process, With Acts Community Development Corporation And The Related Companies Of California, And Or Affiliated Entities, For One Year With One Optional Six-Month Administrative Extension For The Potential Disposition And Development Of A Mixed-Use Affordable Housing Project On Seven Contiguous City-Owned Parcels (APNS 044-4967-002, 044-4967-003, 044-4967-005, 044-4967-007-01, And 044-4967-009) Located At 95th Avenue And International Boulevard; And 18-0178
- 2) A Resolution Authorizing The Right To Negotiate And Execute An Exclusive Negotiating Agreement, Without Engaging In A Competitive Solicitation Process, With Satellite Affordable Housing Associates And The Native American Health Center, And Or Affiliated Entities, For One Year With One Optional Six-Month Administrative Extension For The Potential Disposition And Development Of A Mixed-Use Affordable Housing And Retail Project Located At 3050 International Boulevard; On The March 13, 2018 Community And Economic Development Committee Agenda

- **4.10** Subject: Mid-Term Review Of Five-Year Implementation Plans From: Economic And Workforce Development Department Recommendation: Adopt The Following Pieces Of Legislation:
  - 1) Six Oakland Redevelopment Successors Agency (ORSA) Resolutions Adopting Five-Year Implementation Plans For The (1) Army Base, (2) Broadway/Macarthur/San Pablo, (3) Central District, (4) Coliseum, (5) Oak Knoll, And (6) West Oakland Redevelopment Project Areas, Respectively; And 18-0186
  - 2) A Report Providing Mid-Term Review Of Five-Year Implementation Plans For The (1) Army Base, (2) Broadway/Macarthur/San Pablo, (3) Central District, (4) Central City East, (5) Coliseum, (6) Oak Knoll, And (7) West Oakland Redevelopment Project Areas; On The March 13, 2018 Community And Economic Development Committee Agenda 18-0187
- 4.11 Cityworks License/Maintenance Renewal With Azteca Systems, LLC Subject: From: Oakland Public Works Department Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: (1) Extend The Cityworks License And Maintenance Agreement With Azteca Systems, LLC Through May 31, 2022, In An Amount Not To Exceed Four Hundred Forty-Seven Thousand Dollars (\$447,000), Without Return To Council, With Additional Authority To Enhance The Agreement To: (A.) Expand The License And Maintenance Agreement For Additional Software Products & Licenses In An Amount Not To Exceed Three Hundred Thousand Dollars \$300,000 For The Term Of The Contract Without Return To Council; And (B.) Enter Into License, Maintenance, Hosting, Purchase, And/Or Professional Services Agreement(S) With Azteca Systems LLC Or Their Authorized Business Partner(s) In An Amount Not To Exceed Four Hundred Thousand Dollars \$400,000 For The Term Of The Contract For Professional Services And/Or Products That Enhance Cityworks Through Additional Functionality, Without Return To Council; And (2) Waive The Competitive Proposal Solicitation Requirement For The Above Listed Agreements; On The March 13, 2018 Finance And Management Committee Agenda

18-0183

4.12 Subject: HSD Cityspan Contract

From: Human Services Department

Recommendation: Adopt A Resolution Waiving The Advertising And Bidding Requirements And The Request For Proposal/Qualifications Process, And Authorizing The City Administrator To Execute An Agreement With Cityspan Technologies, Inc. For Licensing And Hosting Of A Web-Based, Client-Level Tracking And Contract Management Database System In An Amount Not To Exceed \$223,000 For The Following Human Services Programs: (1) Oakland Paratransit For The Elderly And Disabled (OPED) Program In A Total Amount Of \$37,500 For Three And A Quarter Years From April 1, 2018 To June 30, 2021 And (2) Oakland Fund For Children And Youth (OFCY) Program In A Total Amount Of \$185,500 For Three Years From July 1, 2018 To June 30, 2021; On The March 13, 2018 Life Enrichment Committee Agenda 18-0175

**4.13** Subject: Ceasefire And Community Engagement Strategy Support Grant

From: Oakland Police Department

Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Designee, To: (1) Accept And Appropriate Grant Funds To The Oakland Police Department (OPD) In An Amount Not To Exceed Seven Hundred And Fifty Thousand Dollars (\$750,000) To Be Administered By The International Association Of The Chiefs Of Police (IACP), Which Serves As The Grant Administrator On Behalf Of The U.S. Department Of Justice, Office Of Justice Programs, Office For Victims Of Crime (DOJ/OVC) For The Vision 21: Law Enforcement And The Communities They Serve: Supporting Collective Healing In The Wake Of Harm Demonstration Initiative (Collective Healing) To Fund Personnel Time, Training, Supplies, And Three Project Partners, During The 22-Month Grant Period Of December 1, 2017 - September 30, 2019; (2) Authorize An Increase To OPD's Staffing Level By One Full-Time Equivalent Project Manager I (Collective Healing Initiative Project Manager) To Implement The Collective Healing Project For The Duration Of This Grant; (3) Authorize A Contribution Of Fifteen Thousand Four Hundred Thirty One Dollars (\$15,431) From The General Purpose Fund To Cover The Associated Central Services Overhead Costs Of 14.32 Percent; And (4) Waive The City's Competitive Advertising And Bidding Requirements To Allow OPD To Enter Into Contracts With: (A) Bay Area Women Against Rape In An Amount Not To Exceed Fifty-Seven Thousand Dollars (\$57,000) For The Grant Period Of December 1, 2017 To September 30, 2019, With One Extension At The Same Amount, For A Total Not To Exceed One Hundred Fourteen Thousand Dollars (\$114,000); (B) Community Youth Outreach (CYO) In An Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000), For The Grant Period Of December 1, 2017 To September 30, 2019, With One Extension At The Same Amount, For A Total Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000); And (C) The Urban Institute In An Amount Not To Exceed Seventy Thousand Dollars (\$70,000), For The Grant Period Of December 1, 2017 To September 30, 2019, With One Extension At The Same Amount, For A Total Not To Exceed One Hundred Forty Thousand Dollars (\$140,000); On The March 13, 2018 Public Safety Committee Agenda

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4.14 Subject: Major Encroachment Permit At 385 14th Street

From: Transportation Department

Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To CP VI Franklin, LLC To Allow Portions Of The New Building Above Grade At 385 14th Street To Encroach Into The Public Right-Of-Way Along 13th Street, 14th Street, And Webster Street, Major Encroachment Permit ENMJ18052; On The March 13, 2018, Public Works Committee Agenda

18-0184

**4.15** Subject: Major Encroachment Permit At 378 11th Street

From: Transportation Department

Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Pravin L. Patel And Sima P. Patel, Husband And Wife As Community Property With Right Of Survivorship, To Allow Portions Of The New Building Above Grade At 378 11th Street To Encroach Into The Public Right-Of-Way On 11th Street, Major Encroachment Permit ENMJ18051; On The March 13, 2018 Public Works Committee Agenda

18-0185

**4.16** Subject: Resolution DA To Proactively Apply Prop 64 Retroactively

From: Councilmembers Dan Kalb And Kaplan

Recommendation: Adopt A Resolution Urging The Alameda County District Attorney To Proactively Apply Proposition 64 Retroactively To Reduce Or Dismiss Applicable Marijuana Sentences; On The March 15, 2018 Rules And Legislation Committee Agenda 18-0194

Sponsors: Kaplan

**4.17** Subject: Restricting And Prohibiting Evictions Of Residential Tenants For Cannabis Facilities

From: Councilmember Kaplan

Recommendation: Adopt An Ordinance Amending OMC 5.81 (Cannabis Regulation), To Restrict And Prohibit Use For Cannabis Related Purposes, Of Properties Previously Or Currently Used For Residential Purposes, Including Permitted Or Unpermitted Live-Work; On The March 20, 2018 City Council Agenda As A Non-Consent Item 18-0192

**4.18** Subject: Extend Temporary Protected Status (TPS) And Urging Permanent Residency

From: Council President Pro Tempore Guillén

Recommendation: Adopt A Resolution Demanding The Federal Government To Extend Temporary Protected Status (TPS) For The Current Beneficiaries Of Countries Designated In The TPS Program By No Less Than Eighteen Months (18 Months) And Urging State And Federal Governments To Legislate A Pathway To Permanent Residency For TPS Beneficiaries: On The March 20, 2018 Rules And Legislation Committee Agenda

4.19 Subject: Status Update Clay Street Garage

From: Council President Reid

Recommendation: Approve A Report And Recommendation Directing the City Administrator On The Development Of The Clay Street Garage Site With A Feasibility Analysis Detailing Several Development Alternatives; Previously Scheduled To Public Works Committee March 13, 2018 And Now Be Rescheduled April 10, 2018 To The Community And Economic Development Committee Agenda

[TITLE CHANGE]

17-0300

#### Legislative History

10/26/17 \*Rules & Legislation Scheduled to the \*Public Works Committee

Committee

This item was scheduled to a committee meeting in February 2018.

2/15/18 \*Rules & Legislation Rescheduled to the \*Public Works

Committee Committee

4.20 Subject: Resolution Allowing And Supporting Expanded Housing Options

From: Councilmember Kaplan

Recommendation: Adopt A Resolution Allowing And Supporting Expanded Housing Options, Including For Non-Profits, Faith-Based Organizations, Private Property Owners, And Service Providers Working On Private Land, To Provide Housing And Sanitary Facilities For The Homeless Through Strategies Including "Small Homes," Shipping Container Conversion Homes, Recreational Vehicles, Unattached Trailers, Restroom Structures, And Other Options To Provide Dignity, Privacy, And Disease Control; On The April 10, 2018 Life Enrichment Committee Agenda

18-0193

A Review Of The Draft Agendas For The City Council Meeting Of March 6, 2018 And The Rules And Legislation Committee Of March 8, 2018

18-0126

Attachments: View Report

6 Subject: New California State Laws

From: Councilmember Desley Brooks

Recommendation: Receive An Informational Report And Briefing From The City Attorney's Office On All New California State Laws Which Become Effective In 2017 17-0413

Attachments: View Report

Legislative History

11/16/17 \*Rules & Legislation Scheduled to the \*Rules & Legislation

Committee Committee

**Open Forum (Total Time Available: 15 Minutes)** 

## Adjournment

## **Americans With Disabilities Act**

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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

<sup>\*</sup> 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.