



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 - DRAFT

Concurrent Meeting of the Oakland Redevelopment Successor

Agency and the City Council

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

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

Tuesday, July 19, 2016

5:30 PM

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.

1 PLEDGE OF ALLEGIANCE

2 ROLL CALL / CITY COUNCIL

COUNCILMEMBERS: Desley Brooks, District 6; Vice Mayor Annie Campbell Washington, District 4; Noel Gallo, District 5; Abel J. Guillén, District 2; Dan Kalb, District 1; Rebecca Kaplan, At Large; President Pro Tempore Larry Reid, District 7; Council President Lynette Gibson McElhaney, District 3

3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)

4 ACTIONS ON SPECIAL ORDERS OF THE DAY
(Ceremonial Presentations, Reports/Presentations From The Mayor,
Council Acknowledgements/Announcements):

- 4.1 Subject: Resolution Honoring and Recognizing Crystal Roza
From: Councilmember Gallo
Recommendation: Adopt A Resolution Honoring and Recognizing Crystal Roza Upon
Her Retirement From The City Of Oakland After 18 Years of Dedicated Service
15-1239

Legislative History

6/23/16

*Rules & Legislation
Committee

Scheduled to the Concurrent Meeting of the
Oakland Redevelopment Successor
Agency and the City Council

- 4.2 Subject: Councilmember Rebecca Kaplan
From: Honoring Dexter English
Recommendation: Adopt A Resolution Honoring Dexter English for 30 Years Of
Exemplary Service To Oakland Public Works Department And Congratulating him On
His Retirement
15-1231

Sponsors: Kaplan

- 5 APPROVAL OF THE DRAFT MINUTES FROM THE MEETINGS OF JUNE 21, 2016,
JUNE 27, 2016, AND JULY 5, 2016
15-1167

- 6 **MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS**
(Requests To: Reschedule Items From Consent To Non-Consent
To The Next Council Agenda, Speak On Consent Calendar, Register Votes,
Change Order Of Items, Reconsiderations, Pull Items Held In Committee):

7 **CONSENT CALENDAR (CC) ITEMS:**

- 7.1 Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
Crisis With Regard To The Human Immunodeficiency Virus ("HIV")/Acquired
Immunodeficiency Syndrome ("AIDS") Epidemic
15-1168

Sponsors: Office Of The City Attorney

- 7.2 Subject: Declaration Of Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A
Local Public Health Emergency With Respect To Safe, Affordable Access To Medical
Cannabis In The City Of Oakland
15-1169

Sponsors: Office Of The City Attorney

- 7.3 Subject: Army Base Real Estate Actions
From: Office of City Administrator
Recommendation: Adopt An Ordinance Authorizing The City Administrator To Negotiate And Execute An Amendment To A Lease Disposition And Development Agreement (LDDA) With OMSS, LLC, To Delete The City's Obligation To Clear And Rough Grade A Portion Of The OMSS Development Site At The Former Oakland Army Base; And
15-1180

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 7 AYES, 1 EXCUSED - KAPLAN

Legislative History

6/2/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/9/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 2) Ordinance Authorizing The City Administrator To Negotiate And Execute An Easement Agreement With East Bay Municipal Utility District For A 40 Foot-Wide Roadway On The Former Oakland Army Base
15-1181

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED X AYES, 1 ABSTAIN/NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/2/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/9/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 7.4 Subject: Pregnancy Information Disclosure and Protection Ordinance.
From: Vice Mayor Annie Campbell Washington And Councilmembers Rebecca Kaplan, Abel Guillen, And City Attorney Barbara J. Parker
Recommendation: Adopt An Ordinance Amending Section 5.06 Of The Oakland Municipal Code To Prohibit Limited Services Pregnancy Centers From Making False Or Misleading Statements To The Public About Pregnancy-Related Services The Centers Offer Or Perform.
15-1223

Attachments:

[View Report](#)

[View Supplemental Report](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 7 AYES, 1 EXCUSED - KAPLAN

Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Life Enrichment Committee
6/28/16	*Life Enrichment Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

There were 12 speakers on this item

- 7.5 Subject: Amending Oakland's Preference Policy For Affordable Housing
From: Council President Lynette Gibson McElhaney
Recommendation: Adopt An Ordinance Amending The Oakland Municipal Code To Adopt (1) A Preference Policy For Neighborhood Residents, Oakland Residents And Workers, And Displaced Households In Applying For Multifamily Affordable Housing Funded By The City, And (2) An Oakland Residency Or Worker Requirement For Participants In The City's First-Time Homebuyer Mortgage Assistance Program
15-0886

Sponsors:

Gibson McElhaney

Attachments:

[View Report](#)

[View Report](#)

[View Report](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED 6 AYES, 1 ABSENT - REID, 1 EXCUSED - KAPLAN

Legislative History

4/7/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
5/12/16	*Rules & Legislation Committee	Scheduled to the *Special Community & Economic Development Committee

5/31/16	*Special Community & Economic Development Committee <i>There were three speakers on this item.</i>	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council
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The Committee requested an amendment as follows to Policy Proposal - Local Preference (p. 3 of the Report):

Proposed:

This legislation reserves 30% of new affordable housing units for a local preference. This preference applies to residents who live in the same Council district to help keep low-income residents housed in their own neighborhoods. Legal and administrative constraints require this "local preference" to only apply to 30% of affordable housing units, and only for initial sales or rentals. All other preferences apply to all available affordable housing units including initial sales or rentals of units and units that are resold or turn over tenancies.

Amended:

This legislation reserves 30% of new affordable housing units for a local preference. This preference applies to residents who live in the same Council district OR WITHIN A 1 MILE RADIUS OF SAID DEVELOPMENT to help keep low-income residents housed in their own neighborhoods. Legal and administrative constraints require this "local preference" to only apply to 30% of affordable housing units, and only for initial sales or rentals. All other preferences apply to all available affordable housing units including initial sales or rentals of units and units that are resold or turn over tenancies.

Additionally, Committee requested to add "displacees" to 15.63.090 Residency Requirement under the Article II Requirements for First-Time Homebuyer Program.

6/7/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	* Withdrawn and Rescheduled to the Meeting of the Oakland City Council
6/21/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	* Withdrawn and Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
7/5/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 7.6 Subject: Ordinance Amending The OMC Chapter 2.04 Purchasing System
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Amending Oakland Municipal Code Chapter 2.04, Purchasing System: 1) Increasing City Administrator Purchasing Authority For Supplies And Services Including Professional Services, From \$100,000, To; \$250,000; 2) ;Eliminating All Lower Purchasing Limits For Certain Purchases; Raising The Dollar Amount To Conduct "Formal" Requests For Proposals/Qualifications (RFP/Q) To \$50,000; 4) Establishing City Administrator Authority To Waive RFPQ Requirements For Professional Services Purchases Up To Fifty Thousand Dollars (\$50,000); 5) Adding A Competitive Process Specific To Purchase Of Combined Projects Ant) Services For Information Technology Systems And: 6) Copying Certain Definitions And Other Clean Up
15-1212

Attachments: [View Report](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED 6 AYES,
1 NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
6/28/16	*Finance & Management Committee	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The committee requested a list of approved contracts with real titles, dollar amounts and information about non RFP contracts (semiannually)

The committee would also like the checklist and waiver request form posted on the city website.

The City Administrator will strengthen enterprise language in the ordinance.

7/5/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved As Amended On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the City Council/Geological Hazard Abatement District Board
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- 7.7 Subject: Recyclers' ENA Extension; Acceptance of ACTC Grant; and Interim Bridge Funding to Complete Public Improvements
From: Office of The City Administrator
Recommendation: Adopt An Ordinance Authorizing The City Administrator, Without Returning To Council, To Negotiate And Execute Agreements And Related Documents, To Secure Interim Bridge Funding In An Amount Not To Exceed Fifty-Three Million, Two-Hundred Thousand Dollars (\$53,200,000) To Meet Critical Cash Flow Needs For The Completion Of Construction Of The City's Public Improvement Obligations At The Former Oakland Army Base ("Base"), Which Options Could Include, Among Other Alternatives: (1) Obtaining Loan(S) Secured By Cityowned Land At The Base Or An Assignment Of The City's Right To Receive Rents From Such City-Owned Land; (2) Providing An Option To A Developer To Acquire Development Rights To The North Gateway Area Of The Base If The City And Two West Oakland Recyclers Fail To Close Escrow On Such Property; And (3) Negotiating For An Army Base Ground Lease Tenant(S) To Prepay A Discounted Present Value Of The Tenant(S)' Long Term Ground Lease Rent To The City
15-1221

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED 6 AYES, 1 NO - GALLO,
1 EXCUSED - KAPLAN

Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council
	<i>The Committee amended the legislation to subsection 2 – replace \$46m with \$68m and item 3 strike subsection 2 and replace with asking ACTC for additional assistance.</i>	
7/5/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Approved On Introduction and Scheduled for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

7.8 Subject: 12th Street Remainder Parcel Disposition And Development Agreement With Urbancore And EBALDC

From: Economic And Workforce Development

Recommendation: An Ordinance: (1) Authorizing The City Administrator, Without Returning To The City Council, To Negotiate And Execute A Disposition And Development Agreement And Related Documents Between The City Of Oakland And Urbancore Development, LLC Or Its Related Entities Or Affiliates ("Urbancore"), And East Bay Asian Local Development Corporation Or Its Related Entities Or Affiliates ("EBALDC"), For (A) Sale Of The 12th Street Remainder Parcel Located At E12th Street And 2nd Avenue ("Property") For No Less Than \$8.0 Million, (B) A Seller Carryback Loan From The City To EBALDC In The Amount Of \$3.3 Million Plus The Cost Of Loan Origination, And (C) Development Of The Property As A Residential Mixed-Use Project, All Of The Foregoing Documents To Be In A Form And Content Substantially In Conformance With The Term Sheet Attached As Exhibit A, And; (2) Adopting CEQA Exemptions (15183 & 15183.3) And Addendum (Relying On The Previously Certified 2014 Lake Merritt Station Area Plan EIR)

15-1218

Sponsors: Economic & Workforce Development Department

Attachments: [View Report](#)

[Attachment A - Lakehouse -](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

INTRODUCTION WAS HEARD JULY 5, 2016 AND PASSED AS AMENDED TO THE TERM SHEET 6 AYES, 1 NO - GALLO, 1 EXCUSED - KAPLAN

Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

- 7.9 Subject: City Of Oakland/PERS Boards Contract Amendment - Sworn Classic Police
From: Finance Department
Recommendation: Adopt 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 2% Employees Cost Sharing Of Additional Benefits For Tier I And Tier II
Classic Police Members (California Government Code Section 20516)
15-1205

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

*INTRODUCTION WAS HEARD JUNE 21, 2016 AND PASSED 6 AYES, 2 ABSENT -
BROOKS, CAMPBELL WASHINGTON*

Legislative History

6/21/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Approved On Introduction and Scheduled for Final Passage to the Meeting of the Oakland City Council
6/30/16	*Rules & Legislation Committee	Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

AS A CONSENT CALENDAR ITEM

- 7.10 Subject: Measures M, N, Q, & Z FY 2016-17 Cost-of-Living Tax Adjustment
From: Office Of The City Administrator
Recommendation: Adopt An Ordinance Authorizing A Fiscal Year 2016-17 Increase In
Accordance With The Consumer Price Index, Fixing The Rate Of Property Tax, And
Levying A Tax On Real And Personal Property In The City Of Oakland For Fiscal Year
2016-2017 For Voter Approved Measure M (The Emergency Medical Services
Retention Act), Measure N (The 1997 Paramedic Services Act), Measure Q (The
Library Services And Retention Act), And Measure Z (The Public Safety And Services
Act Of 2014)
15-1068

Sponsors: Office Of The City Administrator

Attachments: [View Report](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

*INTRODUCTION WAS HEARD JUNE 7, 2016 AND PASSED 7 AYES, 1 NO -
GUILLEN*

Legislative History

5/26/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
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6/7/16

Concurrent Meeting of the
Oakland Redevelopment
Successor Agency and the
City Council

Approved On Introduction and Scheduled
for Final Passage to the Meeting of the
Oakland City Council

*Upon the reading of Item 9.5 by the City Clerk, the Public Hearing was opened
at 9:16 p.m.*

1 individual spoke on this item.

*Councilmember Gallo made a motion, seconded by Councilmember President
Pro Tempore Reid to close the Public Hearing, and hearing no objections, the
motion passed by X*

*Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and
President Gibson McElhaney*

- 7.11** Subject: Community Jobs Oversight Commission - Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Re-Appointment Of
Andreas Cluver, Josie Comacho, Kate O'Hara, Shirley Burnell, Margaret Gordon, Brian
Beveridge, Megan Morodomi, Jens Hilmer, And The Appointment Of Len Turner, Art
Shanks, And David Lau To The Community Jobs Oversight Commission
15-1287
- 7.12** Subject: Wildfire Prevention & Assessment District Advisory Board - Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Lin
Barron, Steven E. Hanson, Martin A. Matarresse And Glen Dahlbacka And The
Re-Appointment Of Douglas Wong As Members Of The Wildfire Prevention And
Assessment District Advisory Board
15-1288
- 7.13** Subject: Library Advisory Commission - Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of
Sophia V. Rodriguez and Re-Appointment Of Lesley Mandros Bell As Members Of The
Library Advisory Commission
15-1289
- 7.14** Subject: Commission On Persons With Disabilities - Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Olivia
De Jimenz, Brandon Young, Preet Anand And Sarah Garner To The Commission On
Persons With Disabilities
15-1290

7.15 Subject: Community Policing Advisory Board - Appointments
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Akiba
D. Bradford As A Member Of The Community Policing Advisory Board

15-1294

7.16 Subject: Health And Safety Impacts Of Coal In Oakland
From: Councilmember Rebecca Kaplan
Recommendation: Conduct A Public Hearing And Upon Conclusion Consider A
Report And Recommendation For Options To Address Coal And Coke Issues,
Including Introducing:

1) An Ordinance (1) Amending The Oakland Municipal Code To Prohibit The Storage
And Handling Of Coal And Coke At Bulk Material Facilities Or Terminals Throughout
The City Of Oakland And (2) Adopting • California Environmental Quality Act
Exemption Findings; And

15-0977

Sponsors: Kaplan

Attachments: [View Report](#)

[ATTACHMENT C- ESA Report](#)

[Kalb Memo View Report](#)

[Kalb COAL REPORT](#)

ACTION ON THIS ITEM WOULD RESULT IN FINAL PASSAGE

*INTRODUCTION WAS HEARD JUNE 27, 2016 AND PASSED 6 AYES, 1 ABSENT -
REID, 1 EXCUSED - BROOKS*

Legislative History

5/3/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council	Referred to the * Special Meeting of the Oakland City Council
5/5/16	*Rules & Legislation Committee	Scheduled to the * Special Meeting of the Oakland City Council

**8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS**

COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE
THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

5

**9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING
REQUIREMENTS:**

RULES & LEGISLATION CMTTE

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

JUL 07 2016

10 THIS NUMBER INTENTIONALLY NOT USED

- 11** Subject: Police Commission Charter Amendment Measure
From: Councilmembers Noel Gallo And Dan Kalb
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting
To The Voters At The November 8, 2016 Statewide General Election 1) A Proposed
Amendment To The City Charter To Create The Oakland Police Commission, The
Community Police Review Agency, And A Process For Police Discipline And 2) A
Proposed Enabling Ordinance Relating To The Oakland Police Commission And The
Community Police Review Agency, And Directing The City Clerk To Take Any And All
Actions Necessary Under Law To Prepare For And Conduct The Election
15-1035

Sponsors: Gallo and Kalb

Attachments: [View Report](#)

[View Supplemental Report](#)

[6.14.16 PSC Kalb Gallo Handout](#)

[Police Commission Requested Amendments to Item 3 ACW AG LR](#)

Legislative History

5/12/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee
6/2/16	*Rules & Legislation Committee	Scheduled to the *Public Safety Committee

6/14/16

*Special Public Safety
Committee

Approve as Amended the Recommendation
of Staff, and Forward to the Concurrent
Meeting of the Oakland Redevelopment
Successor Agency and the City Council

*Councilmembers Kalb and Gallo distributed a revised resolution with the
following 18 changes:*

- 1. Eliminates a "Whereas" clause referencing Los Angeles and San Francisco.*
- 2. Adds the following to the end of Charter Section 604(b)(9): "This provision shall not apply to any recruitment for the position of Chief of Police that is pending at the time of the Commission's first meeting."*
- 3. Adds the following to the end of Charter Section 604(e)(6): "in consultation with the City Administrator."*
- 4. Adds the following to the end of Charter Section 604(e)(7): "The Chief of Police may assign a sworn officer to act as a liaison from the Department to the Inspector General."*
- 5. Adds the following to the beginning of Charter Section 604(f)(1): "Beginning sixty (60) days after the City Council's confirmation of the first group of Commissioners and alternates,"*
- 6. Adds the following parenthetical notation to Charter Section 604(f)(2): "(IAD)."*
- 7. Replaces Charter Section 604(g) ("Adjudication") with a revised form of the Alternative Adjudication Section previously submitted as Attachment A to the Resolution. The major ways in which current version of 604(g) differs from the previous submission is: (a) requires disclosure of the disposition of arbitration cases on discipline; (b) In lieu of the Police Commission determining the arbitrators used, the Commission would select a list of 20 arbitrators, from which the City Attorney's office and Police Officers' Association would each strike 6 names, with the resultant 8 names being the publicly disclosed list.*
- 8. Adds to Ordinance Section 2.45.020(C): "and the Chief of Police"*
- 9. Adds to Ordinance Section 2.45.020(E): "one hundred and eighty (180)" (instead of 150 days).*
- 10. Adds to Ordinance Section 2.45.020(E)(5): "the Mayor,"*
- 11. Adds Ordinance Section 2.45.020(E)(6): "Conducting an annual review of trends and patterns regarding Department training and education, and the Department's use of the Internal Personnel Assessment System (IPAS) and other early warning system(s). The Police Auditor shall also monitor the number and percentage of sworn officers who have received adequate training on profiling and implicit bias, procedural justice, de-escalation training, and work-related stress management."*
- 12. Adds Ordinance Section 2.45.020(F): "Direct the Inspector General to develop and present a plan to the Commission to measure the performance of each element of the Department's discipline process."*
- 13. Adds Ordinance Section 2.45.020(M): "Monitor and evaluate the Department's recruitment and hiring practices for sworn personnel."*
- 14. Adds to Ordinance Section 2.45.040 that the submission to the City Council must be within three days of the Commission's vote and that the Council has 90 days, instead of 60, to approve or reject the Commission's rules and procedures.*
- 15. Adds to Ordinance Section 2.45.060 "the Agency" and "Chapter 2.46."*
- 16. Adds Ordinance Section 2.45.075, which provides clarifying details about the arbitration selection process described in the Charter Amendment.*
- 17. Adds to the end of Ordinance Section 2.45.080: "consistent with applicable law and any adopted Memorandum of Understanding between the City and the employee association(s) representing sworn Oakland police officers."*

18. Adds to the end of Ordinance Section 2.46.030: "in consultation with the City Administrator"

In addition, the committee approved inclusion of the following components from the Campbell, Reid and Guillen document handed out on the floor:

Item 2 - "Delete all open deliberation of Police Chief Selection process."

Instead, request amendment wherein to select a Chief of Police, Commission forms a Search Committee of three to four Commissioners. All sensitive and/or identifying documentation about candidates for the Chief of position shall remain confidential to Search committee members only. Alternatively, all sensitive and/or identifying documentation about candidates for the Chief position shall remain confidential to Commissioners only." – accepted such that the language will be refined with the assistance of the City Attorney

Item 3 - "For The Purposes of this charter amendment, "serious Incident" shall be defined as officer-involved shooting, death, or serious bodily harm caused by the action and/or inaction of a police officer, and/or criminal activity by an Oakland Police Department employee, whether on-duty or off-duty. Employee shall include sworn officers, as well as staff, technicians and all other civilian staff" to the ordinance and additionally adding a definition section to the ordinance;

Item 5 "The commission shall communicate its decision to the complainant, if there is one, to the greatest extent permitted by law.";

Item 6 as modified on the floor to read: "The Office of the IG shall complete all audits or reviews requested by any of the following: an affirmative vote of the majority of the commissions, a request by the Mayor, a request by the City Administrator, or by affirmative vote of the majority of the City council. The IG shall report findings to the requestor."; and

Item 9 as limited to add two trainings to section 2.45.020 – a)Oakland Police department's Procedural Justice Training Implicit bias Training and Crisis intervention Training, and 2)Peace Officer Standards and Training Domains 15 and 16 trainings on arrest search and seizure procedures.

Item 10 – to be added to the ordinance "Add Amended Section 5: The following reporting and transparency mechanisms shall apply in the City of Oakland with the passage of this Charter Amendment.

A. Regular Reporting to Community

At least quarterly and as permitted by law, the IG shall report to the Commission and to City Council, and include the following information in each report, as permitted by law:

1. Complaint and disciplinary data, summarizing the work of the Agency, the Commission and the Police Department's Internal Affairs Division, including but, including but not limited to:

a. The number of total complaints;

b. The Date of each complaint or Serious Incident, whether or not there is a related complaint;

c. Whether or not the Police Department recommended discipline:

d. Whether or not supervisory accountability was assessed:

e. Whether or not that discipline was sustained:

f. The final disciplinary action taken, if different from what the Oakland Police Department had recommended; and

g. The most recent discipline matrix for viewers' reference. For those complaints or Serious Incidents which are closed and for which discipline has been implemented, the Commission shall report on whether the discipline was less than what is recommended using the Oakland Police Department's discipline matrix as well as previous sanctions, closely evaluating and comparing levels of discipline across cases.

2. The IG shall report to the Commission and to the City Council on all trends and/or patterns in OPD training, education and the Oakland Police Department's use of the IPAS early warning systems. Specifically, the IG shall inform the Commission and the City Council of the percentage of officers that have received training for:

- a. Procedural Justice;
- b. Implicit Bias;
- c. Crisis Intervention and De-escalation Training; and
- d. Job-related Stress Management

Along with this data, the IG shall provide insight into any trends and/or patterns it sees about connections or the absence of connections between (1) training and/or education (2) involvement in allegations of Serious Incidents; and (3) sustained findings of Serious Incidents.

B. Establish "Right to Know" Policy

1. When a Serious Incident is alleged or appears to have occurred, the Chief of Police shall notify the Commission Chair, the Agency Director and the IG immediately. The Chief shall then provide two status reports to the Commission Chair, the Police Commission's investigatory Agency Director and the IG in the coming days and weeks. The first will take place within 10 days of the incident date. The second status report will take place within 45 days of the incident.

2. When sharing information with the public, the Commission shall work closely with the Mayor and the City Administrator to evaluate the City of Oakland's capacity to waive certain exemptions to public records requests, to the extent allowable by law.

3. After the Commission has been briefed by the the Chief of Police, and worked closely with the Mayor and the City Administrator to evaluate privilege waivers and records exemptions, the Commission shall share as much information with the public as it legally is able to at the earliest possible date. The notification will be posted on the City of Oakland website, and made accessible on the Commission webpage, accessible by Equal Access standards." – accepted such that the language will be refined with the assistance of the City Attorney.

The committee further noted that the remaining elements of the Campbell, Guillen and Reid proposal will be a continuing dialogue with the authors and directed the City Administrator to proceed with meet and confer to the extent necessary.

6/30/16

*Rules & Legislation
Committee

Rescheduled to the Concurrent Meeting of
the Oakland Redevelopment Successor
Agency and the City Council

AS A NON CONSENT ITEM

- 12 Subject: Ordinance Amending Chapter 8.22, Article I (Rent Adjustment)
From: Councilmembers Kalb, Gibson McElhaney and Guillen
Recommendation: Adopt An Ordinance Amending Chapter 8.22, Article I (Rent Adjustment) Of The Oakland Municipal Code To: (1) Modify Exemptions For Owner-Occupied Duplexes And Triplexes And Substantially Rehabilitated Properties; (2) Require That Owners File Petitions For Rent Increases In Excess Of The Annual Consumer Price Index Increase (3) Change The Amortization Period For Capital Improvements To That Of The Useful Life Of The Improvement; (4) Clarify That Certain Types Of Work Are Not Capital Improvements; (5) Amend Timelines For Filing Petitions; (6) Require Owners To Pay Interest On Security Deposits; And (7) Amending Chapter 8.22, Article IV To Permit Tenants To Choose To Pay Their Portion Of The Program Fee Either In A Lump Sum Or In Six Monthly Installments
15-1226

Attachments:

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Legislative History

6/16/16	*Rules & Legislation Committee	Scheduled to the *Community & Economic Development Committee
6/28/16	* Special Concurrent Meeting of the Oakland Redevelopment Successor Agency and Community & Economic Development Committee	Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

The Committee amended the resolution to: 1) Change the number of years from 3 to 2 years; 2) have owners to petition above 5% instead of the CIP; 3) strike #4 Change amortization period for capital improvements to that of useful life of improvements; 4) on item 6 strike requirement that landlords pay interest on security deposits; 5) on Item 7 strike the monthly payments; and 6) on item 8 obtain clarification on equal access requirements pertaining to City materials.

- 13 Subject: Renter Protection Act of 2016 (Rent and Eviction Ordinance Amendments Ballot Measure)
From: Councilmember Rebecca Kaplan
Recommendation: Adopt A Adopt A Resolution On The City Council's Own Motion Submitting To The Voters At The November 8, 2016 Statewide General Election Proposed Amendments To The Rent Adjustment Ordinance (O.M.C. Chapter 8, Article I (8.22.100, Et Seq.) (1) To Require Owners Petition For Rent Increases In Excess Of An Annual Allowance; And Proposed Amendments To The Just Cause For Eviction Ordinance (Measure EE (2002), (O.M.C. Chapter 8, Article II (8.22.300, Et Seq.) To (2) Modify The New Construction Exemption To Apply To Units Constructed After January 1, 2002, (3) To Require Relocation Payments For Owner-Occupancy Evictions, (4) To Permit The City Council Limited Authority To Modify The Ordinances, And (5) Amending O.M.C. Chapter 8.22 (Rent And Evictions) To Increase Transparency, Including Regular Reports From The Rent Program To The City Council And (6) Removing The Requirement For Council Approval Of Regulations, And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 8, 2016 Statewide General Election
15-1197

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Legislative History

6/9/16	*Rules & Legislation Committee	Scheduled to the Meeting of the Oakland City Council
6/21/16	Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board	Continued to the Meeting of the Oakland City Council
6/30/16	*Rules & Legislation Committee	Rescheduled to the Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council

AS A NON CONSENT ITEM

- 14** Subject: Adoption Of Legislation To Place An Infrastructure Bond On The November 2016 Ballot
From: Office of City Administrator
Recommendation: Adopt A Resolution On The City Council's Own Motion Submitting To The November 8, 2016 Statewide General Election, A Proposed Ordinance To Authorize Issuance Of \$600 Million General Obligation Bonds To Fund Various City Infrastructure And Affordable Housing Projects; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 8, 2016 Statewide General Election; Action Taken In Reliance On Previously Certified Environmental Impact Reports And CEQA Exemptions Without Limitation, CEQA Guidelines 15162,15183,15183.3 And 15378 15-1174

Sponsors: Office Of The City Administrator

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Legislative History

6/2/16	*Rules & Legislation Committee	Scheduled to the *Finance & Management Committee
6/14/16	*Finance & Management Committee	Approve as Amended the Recommendation of Staff, and Forward to the Meeting of the Oakland City Council

*The committee approved recommendations as amended the committee wanted legal language to include charter provisions regarding non-contracting out this item will be on the non-consent portion of the agenda
There were 12 speakers on this item*

6/14/16 *Public Works Committee Approve the Recommendation of Staff, and
Forward to the Concurrent Meeting of the
Oakland Redevelopment Successor
Agency and the City Council

The PWC advanced the following questions for response by staff:

- *Please adjust either the measure question by removing the reference to pot holes or by adding pot holes to the list of allowable uses.*
- *How much of affordable housing funds could be used for moderate income housing?*
- *What is the impact to Council's ability to act by inclusion of the language that locks in the housing uses, and the reference the 2016 Alameda County Bond measure?*
- *The committee would like to see the Affordable Housing Bond Law prior to Council's approval of the bond measure.*
- *Can there be low income exemption for the cost?*
- *Reconsider the language providing for the Council's ability to reallocate funding across the categories after 10 years?*
- *Does the \$100m Anti-displacement/ Affordable Housing funding include the Accessibility rehabs?*
- *Consider modifying the 10 year reallocation provision with language that provides reallocation for up to 10%*
- *Under existing language, could funding be used to enhance existing and/or facilitate new wetlands? If not, could language be added to do so?*
- *Please respond to the questions submitted by the Sierra Club.*
- *Request for an Infrastructure strategy reflective of all bond measures proposed by all agencies (BART, EBMUD, OUSD, ALCO, etc.)*
- *What is the structural and fiscal impact to from all of the proposed Bond measures?*
- *Consideration of including a 50% Oakland Resident employment requirement for all work proposed under the bond.*

There were 4 speakers on this item.

6/30/16 *Rules & Legislation Rescheduled to the Concurrent Meeting of
Committee the Oakland Redevelopment Successor
Agency and the City Council

AS A NON-CONSENT ITEM

CONTINUATION OF OPEN FORUM

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote
Of The Council)