



City of Oakland Meeting Minutes

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

*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 16, 2008

6:00 PM

Hearing Room One - 1st Floor

Roll Call / Call to Order

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Councilmember Present: 4 - Member Kernighan, Member Nadel, Member Quan and Chair Reid

The Oakland City Council Special Public Safety Committee convened at 6:37 p.m., with Councilmember Reid presiding as Chairperson.

- 1 Approval of the Draft Minutes from the Committee Meeting held on December 12, 2008
A motion was made by Member Kernighan, seconded by Member Quan, to *Approve the Minutes. The motion carried by the following vote:
Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

- 2 Determination of Schedule of Outstanding Committee Items
A motion was made by Member Kernighan, seconded by Member Quan, to *Approve with the following amendments. The motion carried by the following vote:
Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

FROM THE JANUARY 13, 2009 AGENDA

#5 Subject: 2008 Urban Area Security Initiative Grant
From: Oakland Fire Department
Recommendation: Adopt A Resolution Authorizing The City Administrator Or His Designee
To:
1) Enter Into An Urban Area Security Initiative (UASI) Grant Administration Agreement
With City And County Of San Francisco For Fiscal Year 2008 Urban Area Security Initiative
(UASI) Grant Funds In The Amount Of Three Million Six Hundred Thousand Dollars
(\$3,600,000.00) To The City Of Oakland, And
2) Accept, Appropriate And Administer Fiscal Year 2008 UASI Grant Allocations, And
3) Approve The Preliminary Spending Plan And Waive City Of Oakland Central Services
Overhead (CSO) Fees Of Eighty Five Thousand Four Hundred And Sixty Nine Dollars
(\$85,469), And
4) Expend Funds In Accord With The Preliminary Spending Plan Without Further Council
Authorization, Including Purchases In Excess Of The City Administrator's Purchasing
Authority For Equipment On The Federally Authorized Equipment List And Services Required
By The Grant, Provided City Bidding Requirements And Purchasing Programs/Policies Are
Followed
[07-1753](#)

Scheduled to *Public Safety Committee on 1/27/2009
[View Report.pdf](#)

#6 Subject: 2007 Super Urban Area Security Initiative Grant Amendment
From: Oakland Fire Department
Recommendation: Adopt A Resolution Amending Resolution No. 81421 C.M.S. Which
Authorized The City Administrator To, Among Other Things, Accept, Appropriate, And
Administer The Fiscal Year 2007 Super Urban Areas Security Initiative (SUASI) Grant
Allocations, To Accept And Appropriate Supplemental Fiscal Year 2007 SUASI Grant Funds
In An Amount Up To Fifty-Two Thousand Dollars (\$52,000.00) For A Cumulative Fiscal Year
2007 SUASI Grant Award Allocation Of Up To Two Million Seven Hundred Nineteen
Thousand And Sixty-Two Dollars (\$2,719,062.00) And Appropriate Said Funds To The
Oakland Fire Department's Office of Emergency Services
[07-1754](#)

Scheduled to *Public Safety Committee on 1/27/2009
[View Report.pdf](#)

#8 Subject: Youth Protection Curfew
From: Vice Mayor Larry Reid and the Oakland Police Department
Recommendation: Adopt An Ordinance Of The City Of Oakland (1) Amending Chapter 9.12
Of The Oakland Municipal Code To Establish A Youth Protection Curfew And (2) To Repeal
Oakland Municipal Code Sections 9.12.020 And 9.12.030 (Minors Loitering In Public Places)
[07-1806](#)

Scheduled to *Public Safety Committee on 1/27/2009

#9 Subject: 2007-2008 Audit Reports
 From: Finance and Management Agency
 Recommendation: Receive An Informational Report Presenting The Fiscal Year 2007/2008 Measure Y - Violence Prevention & Public Safety Act Of 2004 Audit Report, And The Oakland Wildfire Prevention Assessment District Audit Report; On The February 10, 2009 Public Safety Committee Agenda
[07-1885](#)

***Withdrawn with No New Date**

3 Subject: Urban Search And Rescue Team Training
 From: Oakland Fire Department
 Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With The State Of California Fire And Rescue Training Authorization For A January 17-18, 2009 Mobilization Exercise In Exchange For Reimbursement In The Amount Of One Hundred Thousand Dollars (\$100,000.00) For Personnel And Supply Expenses Incurred In Training Of The Oakland Fire Department Urban Search And Rescue (USAR) Team And To Appropriate Said Funds
[07-1801](#)
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A motion was made by Member Quan, seconded by Member Nadel, that this matter be *Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on January 6, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid
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[81742 CMS.pdf](#)

4 Subject: Emergency Management Disaster Preparedness Council Report
 From: Oakland Fire Department
 Recommendation: Receive The Semi-Annual Report On Emergency Management And Disaster Preparedness Council Proceedings For The Period Of January To June 2008
[07-1807](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be *Received and Filed. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid
The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa
[View Report.pdf](#)

5 Subject: Nuisance Ordinance Amendment
From: Oakland Police Department
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Adding Chapter 9.10 To The Oakland Municipal Code To Prohibit Aggressive Solicitation;
[07-1829](#)
[Play Video](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

The Committee amended the ordinance on page 2 section D to delete the words "located on the driven portion of the roadway" and directed staff to: 1) Receive feedback from the community on all Nuisance issues with a more restorative approach; 2) Include language of malice; 3) Look at the fiscal impact of the community service program; 4) Review how the training the officers will be handled including fiscal impact; and 5) Review the administrative instruction for the Detox center.

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2) An Ordinance To Repeal Section 5.18.030 Of The Oakland Municipal Code Which Prohibits Solicitation Of Contributions For Oneself In Public;
[07-1829-1](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

3) An Ordinance Adding Section 9.08.175 To The Oakland Municipal Code Prohibiting Trespassing After Being Given Notice;
[07-1829-2](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

4) An Ordinance Adding Section 9.08.020 To The Oakland Municipal Code Prohibiting Persons From Discharging Human Bodily Waste In Public;
[07-1829-3](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

5) An Ordinance Adding Chapter 9.58 To The Oakland Municipal Code Prohibiting Loitering In Public For The Purpose Of Engaging In Illegal Drug Activity;
[07-1829-4](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

The Committee amended the title of the Ordinance by adding Section 1.28.020 to add violations of OMC Chapter to 9.58 to the list of infractions.

6) An Ordinance Amending Oakland Municipal Code Sections 9.08.160 (Sitting Or Lying On The Street Or Sidewalk), 9.08.170 (Blocking Pedestrian Travel), 9.08.180 (Open Container Of Alcohol In Public Or On Adjacent Property), And 9.08.260 (Loitering For The Purpose Of Engaging In Prostitution) To Grant Discretion To The Prosecuting Attorney To Charge These Offenses As An Infraction Or A Misdemeanor;
[07-1829-5](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

7) An Ordinance Repealing Oakland Municipal Code Section 9.08.100 Regarding Public Drunkenness; And
[07-1829-6](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

8) An Ordinance Adding Section 1.28.015 To The Oakland Municipal Code To Codify The Discretion Of The Prosecuting Attorney To Charge Certain Misdemeanor Violations As Infractions
[07-1829-7](#)

A motion was made by Member Quan, seconded by Member Nadel, that this matter be Continued to the *Public Safety Committee, due back on January 27, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member Nadel, Member Quan and Chair Reid

The following individual(s) spoke and did not indicate a position on this item:

- Osha Newman
- Marc Gonzalez
- Sanjiv Handa

6 Subject: Permitted Bingo Operations - Annual Hall Fees
From: Office of the City Administrator
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Ordinance Amending Oakland Municipal Code Chapter 5.10, "Bingo" To: 1) Require A Bingo Hall Permit When The Bingo Hall Operator Is A Separate Entity From The Bingo Game Operator, 2) Specify Application Requirements For Bingo Halls, 3) Prohibit Bingo Hall Operators From Charging Bingo Game Operators More Than Fair Market Value For The Facilities, Goods And Services Provided By The Halls, 4) Prohibit Bingo Hall Operators From Transactions With Bingo Game Operators When Specified Familial And/Or Business Relationships Exist Between The Two Entities, 5) Subject Bingo Hall Operators To Audit Of Their Oakland Bingo Activities, 6) Specify That The Annual Bingo Hall Permit Fee, Audit Fee, And Police Services Fee Are Established By The Master Fee Schedule, 7) Establish That The Bingo Game Operators' Fee For Law Enforcement And Public Safety Costs Is Established By The Master Fee Schedule, 8) Require That Most Profits Or Proceeds Be Donated To Oakland Charitable Causes Annually, 9) Require Bingo Game Permittees To Conduct Traditional Called Bingo Every Day That Electronic Bingo Is Available, 10) Prohibit Use Of Illegal Bingo Machines, 11) Provide For Administrative Penalty For Violations, 12) Prohibit Door Prize Bingo Games, 13) Add Criteria For Denial, Suspension, Revocation, Or Conditional Approval Of Permits, And 14) Increase The Maximum Game Pay-Out From \$250 To \$500 (TITLE CHANGE); And

[07-1233](#)

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A motion was made by Member Quan, seconded by Member Nadel, that this matter be *Approve as Armended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency/ City Council, due back on January 6, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Abstained: Chair Reid
Councilmember Aye: Member Kernighan, Member Nadel and Member Quan
The Committee amended the ordinance to remove the Public safety Fees.

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2) An Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), As Amended, To Move The Annual Bingo Hall Fee From Chapter 5.10 To The Master Fee Schedule, To Establish A Monthly Fee For Bingo Game Operators To Offset The City's Costs Of Law Enforcement And Public Safety, And To Include In The Annual Bingo Hall Permit Fee That Portion Of Law Enforcement And Public Safety Costs Attributable To Bingo Halls

07-1233-1

A motion was made by Member Quan, seconded by Member Nadel, that this matter be *Approve as Armended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency/ City Council, due back on January 6, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Abstained: Chair Reid
Councilmember Aye: Member Kernighan, Member Nadel and Member Quan

Subject: Additional Fees For Administrative Costs Related To Bingo Ordinance
From: Office Of The City Auditor
Recommendation: Recieve An Informational Report From The Office of the City Auditor Requesting A Legal Analysis On Additional Fees For Administrative Costs Related To Bingo Ordinance

07-1233-2

A motion was made by Member Quan, seconded by Member Nadel, that this matter be *Received and Forwarded to the Concurrent Meeting of the Oakland Redevelopment Agency/ City Council, due back on January 6, 2009. The motion carried by the following vote:

Votes: Councilmember Abstained: Chair Reid
Councilmember Aye: Member Kernighan, Member Nadel and Member Quan

Subject: Use Of Bingo Profits For Charitable Purposes In The City Of Oakland
From: Office Of The City Attorney
Recommendation: Receive A Legal Opinion From The Office Of The City Attorney On The Use Of Bingo Profits For Charitable Purposes Within The City Of Oakland

07-1233-3

***Received and Forwarded to Concurrent Meeting of the Oakland Redevelopment Agency/ City Council on 1/6/2009**

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa
- Bob Casteel
- Marilou McAuley

Open Forum (TOTAL TIME AVAILABLE: 15 MINUTES)

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The following individual(s) spoke under Open Forum:

- Sanjiv Handa

Adjournment

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There being no further business, and upon the motion duly made, the Oakland City Council Special Public Safety Committee adjourned the meeting at 8:35 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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