

CITY OF OAKLAND
Agenda Report

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To: Chairperson Ignacio De La Fuente
and Members of the Rules and Legislation Committee
From: Lupe Schoenberger, Rules Committee Legislative Analyst
Date: November 18, 2008
Re: Proposed State Legislative Agenda for 2009

SUMMARY

On November 6, 2008, the Rules and Legislation Committee made additions to the proposed State Legislative Agenda for the City Council's consideration. The additions are redlined in the attached report prepared by the City's state lobbyist, Townsend Public Affairs.

RECOMMENDATION

Staff is requesting that the Rules and Legislation Committee accept the recommendations and forward this report to the City Council for final approval.

Respectfully submitted,



Lupe Schoenberger
Rules Committee Legislative Analyst



REVISED 11/6/08

MEMORANDUM

To: Mayor Dellums, President De La Fuente and Members of the City Council
From: Townsend Public Affairs, Inc.
Date: November 6, 2008
Subject: Proposed 2009 State Legislative Agenda

TPA submits for your consideration the following agenda of 2009 state government advocacy priorities for the City of Oakland.

In development of the agenda, TPA has included input from the Office of the Mayor, City Council, City Attorney, and departments. This report is compiled into four sections;

1. City Sponsored Legislative Proposals
2. Legislative Issue 'Watch' List
3. Funding Requests
4. Funding Opportunities

The City of Oakland's legislative agenda for 2009 will reflect the priorities for the City Council and the Mayor's vision of Oakland as the Global Model City. The strategic agenda includes advocating for legislation, regulations, and funding that are consistent with the City's adopted goals; Economic Development, Sustainable City, Youth, Healthcare, Infrastructure, and Public Safety.

CITY SPONSORED LEGISLATIVE PROPOSALS:

Below is a list of legislative proposals which represent the priorities of the City. If the Council is supportive of the proposals listed below, TPA will immediately begin to research what can be accomplished through legislation, regulations, or direct advocacy with State agencies and other organizations like the League of California Cities to help address Oakland's needs. The City Council is being requested to approve the proposals in concept. Once a bill number is assigned to the legislation, the City Council will have an opportunity to review the bill and determine if the final language meets the city's objective.

- **Seismic Safety** (Council Member Quan): SB 1508 was introduced by Senator Corbett with Oakland as the sponsor during the last legislative session. This bill would require the Department of Housing and Community Development, in consultation with designated entities, to develop guidelines and standards for seismic strengthening of cripple walls and sill plate anchorage for light, wood frame residential buildings, and to submit the standards to the International Code Council for consideration and adoption into the model codes. The goal of this legislation is to provide homeowners with firm

standards for retrofitting work and thus maximizing the likelihood that their home will survive an earthquake. This bill was ultimately held on the suspense file of the Assembly Appropriations committee due to fiscal considerations. Senator Corbett intends to re-introduce this measure in 2009 if the City of Oakland is still in support. *Council Goal: Public Safety and Infrastructure.*

- **Illegal dumping** (President De La Fuente, Council Member Brooks, and Council Member Kernighan): Develop legislation placing stricter penalties for illegal dumping. Illegal dumping is an ongoing problem that costs the City of Oakland over \$2.5 million dollars a year. Illegal dumping not only diminishes the quality of life in impacted neighborhoods, but costs the City precious time and resources while polluting our environment. *Council Goal: Public Safety, Economic Development, and Sustainable City.*
- **Enhance efforts to reduce prostitution** (President De La Fuente, City Attorney, OPD): The City has made great strides to help provide young women opportunities to leave the life of prostitution. Develop legislation that creates greater enforcements against the solicitors of prostitutes like vehicle seizure.
 - **Potentially revise Proposition 69:** Revisions to Proposition 69 would allow DNA evidence gathering from 'johns'. Currently OPD and the City Attorney's Office are looking into this topic. *Council Goal: Public Safety.*
- **Community Blight related to Vehicles on Public Streets** (Council Member Brooks):
 - **Abandoned vehicles:** Develop legislation that creates fees, fines or penalties to discourage abandoning cars on city streets or assist cities with the prompt disposal of abandoned vehicles. There are an alarmingly high number of cars abandoned on City streets. These abandoned vehicles create a visual blight, discourage economic development and are often used in neighborhood crimes. *Council Goal: Economic Development, Public Safety, and Sustainable City.*
 - **Selling vehicles on public streets:** Develop legislation that prohibits the sale of congregated vehicle sales on city streets. The City of Oakland has an increasing number of cars sold on city streets. Occasionally these cars are purchased at auctions and the owners are failing to immediately register the vehicles. If parking tickets are issued to these cars, the original owner is punished and there is no incentive to move the vehicles off of City streets. *Council Goal: Public Safety and Economic Development.*
 - **Recreational vehicles/boats/trailers stored on public streets:** Develop legislation prohibiting vehicle/boat/trailer storage on public streets. Similar to the nuisance created by cars abandoned and sold on city streets, some neighborhoods are impacted by the storage of large recreational vehicles, boats, buses or trailers. These vehicles create safety and blight issues, especially on some of the narrow, older roads throughout Oakland. *Council Goal: Public Safety and Economic Development.*
- **Community investment fund** (Council Member Nadel): A number of Oakland residents utilize businesses such as Western Union to send money to their families in Mexico, Central America, or South America. The rates charged by some of these institutions for the transfer of money are high and generate substantial profits for the companies. There is an opportunity to work with these institutions to create a community investment fund to ensure economic development within these impacted Oakland neighborhoods. *Council Goal: Economic Development and Sustainable City.*

- **Enhance the ability of municipalities to foreclose on blighted properties in a more expedited manor** (City Attorney): Currently it can take up to 5 years to allow municipalities to foreclose on blighted, vacant buildings which are a source of neighborhood complaints, blight, illegal dumping, and other nefarious activities. Develop legislation to reduce this timeline in order to enhance neighborhood revitalization. *Council Goal: Public Safety and Economic Development.*
- **Constitutional amendment related to storm water fees** (Public Works Agency): Public Works staff has submitted a request to reintroduce a proposal to include storm water fees to the exceptions to Proposition 218 two thirds voting requirements for new fees. The City supported SCA 12 in the 2008 session which would have brought this issue to a vote of the people. This bill ultimately stalled on the Senate Floor because it was unable to get the required two thirds votes. *Council Goal: Infrastructure.*
- **Foreclosures** Develop legislation to expand the moratorium on foreclosures and/or to place a moratorium on the re-setting of Adjustable Rate Mortgages (ARMs) to minimize the number of families displaced due to foreclosures. *Council Goal: Economic Development*
- **Home Financing** Develop legislation to require banking institutions that have received federal aid from the \$700 billion bail out to expand their lending in areas impacted by the foreclosure crisis. Banks are currently making very few loans. The lack of available financing is one of the biggest obstacles to homeownership for Oakland residents. *Council Goal: Economic Development*
- **Solar Energy** Develop legislation that promotes greater access to and implementation of solar energy systems, including but not limited to:
 - a) Supporting a 33% renewable portfolio standard
 - b) Allowing virtual net metering for multi-unit commercial and residential solar projects to capture economies of scale.
 - c) Expanding the cap on net metering for solar power projects beyond the current 2.5% limit

LEGISLATIVE ISSUE "WATCH" LIST:

The following issues have been identified by the Mayor, Councilmember's, and City staff as priorities. "Watch" means TPA will monitor for legislative activity related to these issues. TPA maintains a constantly updated matrix of bills for the City of Oakland, providing additional analysis and information to inform the development of a position by the city. If legislation is introduced that impacts any of the priorities, staff will be asked to analyze and evaluate the need for City Council action. The City Council may choose to take a position on a measure, continue to monitor without a position, or determine if any further response or reaction is needed. The majority of the items presented below have been rolled over from previous years and are consistent with the Mayor and Council priorities. Items that have been added for this year are italicized.

Economic Development

- **Incentives for Green Business:** Monitor and support legislation to create incentives for green business, specifically small local businesses, including energy and environmental technology and recycled material product development.
- **Small Business Development:** Monitor and support legislation that promotes public private partnerships to expand small business opportunities including access to capital and funding for incubator opportunities.
- **California Enterprise Zone Program:** Continue to monitor implementation of Oakland's Enterprise Zone re-designation. Support measures that strengthen the Enterprise Zone program and provide economic benefit to the City's business climate. Oppose measures that aim to weaken or eliminate the program.
- **Vocational and Workforce Training:** Monitor and support legislation that provides funding for workforce development, specifically in the fields of construction and green jobs.
- **Housing:** Support legislation that expands affordable housing opportunities throughout the community; supports smart growth principles and links a jurisdiction's eligibility for state funding to compliance with housing element policies.
- **Supportive Services in Housing for the Homeless:** *Support legislation to create sources of financing for supportive services in supportive housing for the homeless and people with special needs.*
- **Redevelopment and Eminent Domain:** Advocate for the City regarding proposals to modify redevelopment agency and eminent domain law. The City supports measures that provide protections to property owners while still allowing cities with flexibility to carry out needed projects.
- **Residential Care Facilities:** Support legislation that would grant the City more local control over certain residential care facilities. Oakland is the site of a disproportionate share of transitional housing. Some facilities are poorly run, causing problems for the neighborhoods in which they operate. The City of Oakland has limited control over their regulation and with more control could ensure that these facilities operate safely and effectively.
- **Urban Infill:** Monitor legislation that promotes the revitalization of urbanized areas through qualified urban infill projects and transit oriented development
- **Movie Industry Attraction:** *Support legislation that promotes the growth of the filming industry.*

Sustainable City

- **Green Building:** Monitor and support legislation to encourage green building standards related to using recycled materials, increasing energy-efficiency and lowering water-usage. Support incentives increased access for retrofitting existing homes to renewable energy systems and/or energy efficiency measures for existing residential and commercial buildings.-
- **California Environmental Quality Act:** Monitor legislation and regulatory proposals related to climate change and impacts on local government.
- **Reduction of environmentally harmful products:** *Support legislation that reduces the use of plastic bags and other products that have a negative impact on the*

environment of the City including incentives for the redesign of products to make them less toxic and shift the costs for recycling and proper disposal of products from local governments to the producers of the product.

Youth:

- **Joint-Use Funding:** Monitor and advocate for measures which appropriate funds, or make it easier to access funding, for joint-use projects between the City and local school districts.
- **Oakland Unified School District:** Advise the Council of opportunities to support legislation that will increase funding to Oakland schools, improve the quality of public education and ensure local control.
- **At-Risk Youth Programs:** Support legislation which provides funding and programming for foster youth and other at-risk youth as an alternative to gangs or prostitution.

Healthcare:

- **Health Care:** Support legislation that increases the level of health care coverage available to the residents of Oakland. The City will monitor and advocate on behalf of measures that increase residents' awareness of health care facilities and promote healthy lifestyles.
- **HIV/AIDS Transmittal Reduction:** Monitor legislation that would reduce the transmission rate of the HIV virus and support legislation that promotes increased testing in the community.
- **Mental Health:** Monitor legislation that provides additional resources for mental health services in the City, particularly any legislation that appropriates funding from Proposition 63.
- **School Based Health Clinics:** Support legislation that would provide access to health care professionals at school sites.

Infrastructure:

- **Bonds:** Monitor legislation that provides new bond funding for the City's infrastructure needs.
- **Flood Control and Storm Water Fees:** Support legislation that would allow local governments more flexibility to achieve reductions in storm water and urban runoff pollution
- **Congestion Management:** Support legislation that appropriates funds to help relieve traffic congestion on City streets and highways, including efforts to increase funding for local street and road projects, air quality, and public transportation.
- **Oakland Army Base:** Advocate for and support legislation that creates funding opportunities for new roads, utilities, brownfields, other infrastructure, and site preparation.
- **Library Facilities:** Support legislation that creates funding for the rehabilitation and construction of new library facilities.
- **Monitor State clean up efforts at Cal-Tech Metal Finishers property at 841 31st Street:** Ensure prompt remediation of toxic substances and other pollutants. The State

has taken control of property and is overseeing clean up of the site. (Council Member Nadel).

Public Safety:

- **Crime and Violence Prevention:** Support legislation that appropriates funds for violence prevention programs, which includes, but is not limited to, anti-gang violence, youth empowerment; restorative justice programming in schools and after-school programming.
- **Parolee Re-Entry Programs:** Monitor legislation that provides additional resources and job training for recent parolees re-entering the community.
- **Education during Incarceration:** *Support legislation that prevents recidivism by providing inmates educational and training opportunities for job readiness prior to release.*
- **School Security:** Support legislation that creates funding for school police and other school security programs.

Other:

- **Franchise and Utility User Taxes:** Oppose legislation that hinders the City's ability to generate revenues from these sources.
- **State Budget:** Monitor and advocate for the City in the state budget process, including all relevant trailer bills. The City supports maximizing State funds for local projects and programs.

FUNDING REQUESTS:

The following funding requests were identified by city staff. As funding opportunities arise, TPA will notify staff and assist with the process. Some of the projects may qualify for the funding opportunities listed later in the report, whereas others may not have an immediately identified source of funding:

- Capital improvements for the following local parks: Raimondi Park Phase II; Bushrod Soccer Field; Brookdale Park; Cesar Chavez Park; Lincoln Park Recreation Center; East Oakland Sports Complex; City Stables.
- Mobile Incident Command Post to be utilized by OPD and OFD in response to emergency or hazardous incidents \$503,333. (OPD)
- Thirty (30) fully equipped police vehicles \$1,740,000. OPD proposes to increase the fleet from 399 to 429 to accommodate increased police officers.
- Two prisoner transport vehicles to help OPD better utilize officers and limit individual trips between Oakland and Santa Rita jail (OPD). \$260,000.
- One helicopter to replace outdated unit. The helicopter unit provides enhanced observation and tactical support to the Police department. \$2,500,000 (OPD).
- Equipment for a Camera Network and Monitoring Center \$5,600,000. A city wide camera system will enhance the Department's ability to respond to criminal activity and investigate crimes. (OPD).
- Alternate Computing Facility for disaster recovery in case of a manmade or natural disaster \$1,584,000 (IT). Establish an active disaster recovery facility outside the City of Oakland to facilitate data recover in the event of a catastrophic emergency.

- Automatic Vehicle Locating (AVL) systems will readily locate 1,415 City of Oakland vehicles in an emergency \$1,056,306 (IT).
- CompStat Reporting Process, Criminal Data Repository and Data Sharing for OPD to enhance flow of accurate information, eliminate redundant data entry, and enhance decision support and long-term planning \$1,325,000 (IT).

FUNDING OPPORTUNITIES:

There are multiple upcoming funding opportunities of interest to the City of Oakland pertaining transportation funding, Proposition 1C housing funding, CalGRIP, and funding for urban parks, and other state grant opportunities. In addition to the funding listed below, we will keep the City informed of any potential funding opportunities throughout the year. City staff will work with the City Council to prioritize projects submitted to the state for funding and TPA will advocate for those approved projects as appropriate. The following are upcoming opportunities.

- **State Neighborhood Stabilization Program:** In addition to individual cities receiving funding from the Federal Housing and Economic Recovery Act of 2008, the State of California also received \$145 million for California cities for the rehabilitation and finance of foreclosed properties. TPA will advocate for Oakland's share of this funding.
- **Proposition 1C Transit Oriented Development (TOD) Funding:** Proposition 1C includes \$90 million in the second round of funding for the development of housing near transit sites. The Department of Housing and Community Development (HCD) is currently developing guidelines for the distribution of these funds. TPA is focused on continuing advocacy for the City's TOD developments MacArthur, Coliseum and West Oakland – and their priority funding needs.
- **Proposition 1C Urban Infill Incentives:** Proposition 1C includes \$850 million in funding for incentives for urban infill development. In the FY09 Budget, \$200 million was appropriated for this program. HCD is holding stakeholder workshops in preparation of the grant guidelines. HCD is targeting late 2008 to issue the request for proposals. TPA is working with staff to ensure that this grant program will fund the priority projects of the City, including the TOD developments and local street and road improvements.
- **Proposition 84 Funding:** There are multiple funds within this \$5.4 billion measure passed by California voters in November 2006. Legislation was authored for the \$400 million for parks which was signed by the Governor. In addition to potential park and recreation facilities funding within this measure for priority parks projects throughout the City, there are several funds which could help close the gap on the matching funds needed for Measure DD projects, which are therefore a top priority for pursuit of funding from this source. Townsend will work with City staff to advocate for guidelines that benefit Oakland's priority park projects.
- **CalGRIP Gang Funding:** The 2008-09 state budget included \$9.5 million for cities and community based organizations for gang prevention, intervention and suppression activities with \$1 million specifically designated for the Bay Area. The Office of Emergency Services will soon issue a Request for Proposal for these funds. The City is working to submit grant requests for this funding.
- **Recreational Trail Program:** The City of Oakland recently submitted a grant application to the Department of Parks and Recreation for the Inner Harbor Bay Trail link through the Recreational Trails Program (RTP) which provides funding for the development of trails and trail-related projects. TPA will engage with the Department to ensure the City's application receives full consideration.

- **Proposition 1B Local Street and Road Funds:** TPA has already engaged the Transportation Services Division to prepare for additional Prop 1B funds. The Department of Finance (DOF) is developing guidelines to allow cities to apply for an additional allocation and the City of Oakland will be eligible once all of the materials are developed.
- **Safe Routes to School (SR2S):** The City of Oakland received over \$1.7 million from the Safe Routes to School program this year. TPA will work with city staff on the next round of funding for this program.

Annual Grant Opportunities:

There are also a number of annual grant opportunities for which the City of Oakland may choose to apply. City staff is familiar with these resources and routinely receives approval from the City Council to apply for and receive grant proceeds. These grant programs include but are not limited to the following:

- California Integrated Waste Management Board: Rubberized Asphalt Concrete Grant Program
- California Integrated Waste Management Board: Tire Derived Product Grant
- California Integrated Waste Management Board: Waste Tire Enforcement Grants Program
- California Office of Traffic Safety: Click it or Ticket it Mini Grants
- California Office of Traffic Safety: Sobriety Checkpoint Mini Grants
- California Office of Traffic Safety: Grants Made Easy for Traffic Enforcement, DUI Enforcement and Vehicle Impoundment
- California State Treasurer's Office: Sustainable Communities Grant and Loan Program
- Department of Education: 21st Century Community Learning Centers
- Department of Education: Joint-Use Fund
- Department of Forestry and Fire Protection: An Urban Forest For Every City Grant
- Department of Forestry and Fire Protection: Leaf-It-To-Us Grant
- Department of Forestry and Fire Protection: Urban Forestry: Education Grant
- Department of Forestry and Fire Protection: Urban Forestry: Inventory Grant
- Department of Forestry and Fire Protection: Urban Forestry: Management Plan Grant
- Department of Housing and Community Development: Building Equity and Growth in Neighborhoods
- Department of Housing and Community Development: Emergency Housing and Assistance Program Capital Development
- Department of Housing and Community Development: Multifamily Housing Program: General, Supportive and Homeless Youth
- Department of Parks and Recreation: Habitat Conservation Program
- Department of Parks and Recreation: Land and Water Conservation Fund

As new funding opportunities arise, TPA will make sure to inform the city and consult in the development of the optimal strategy to maximize funding for the City.