



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 Concurrent Meeting of the Redevelopment Agency and Finance and Management Committee Hearing Room 1, 1 Frank H. Ogawa Plaza**

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

Tuesday, June 09, 2009

11:00 AM

Hearing Room One - 1st Floor

Roll Call / Call to Order

[Play Video](#)

Councilmember Present: 4 - Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The Oakland City Council Finance and Management Committee convened at 11:07 a.m. with Councilmember Quan presiding as Chairperson.

- 1 Approval of the Draft Minutes from the Committee Meeting held on May 26, 2009

[Play Video](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, to *Approve the Minutes. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

- 2 Determination of Schedule of Outstanding Committee Items

[Play Video](#)

A motion was made by Member De La Fuente, seconded by Member Nadel, to *Approve as Submitted. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

- 3 Discussion And Action On Potential Proposals To Obtain Grant Funds Provided Under The American Recovery And Reinvestment Act Of 2009 (Federal Government's "Stimulus Package")

[Play Video](#)

No Action Taken

09-0188

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

4 Subject: Performance Measurement Process
From: Office of the City Administrator
Recommendation: Action On A Report On The Current Status and Recommended
Improvements To The Citywide Performance Measurement Process
[09-0137](#)
[Play Video](#)

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

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The Committee directed staff to bring back in September the 4 major units (Parking, HR, IT, FMA) separately after the budget cuts to discuss performance measures. The committee wants to focus on the following: 1) Establishing realistic benchmarks/measures (This should be an on-going process); 2) The percentage of the Internal Services Fund that has been balanced; 3) The amount of retirement funds that have been fully funded; 4) The status of the City's bond ratings; 5)How the Parking Department has increased the capacity for revenues by combining services (i.e., automating the parking lots, longer hours, etc.); and 6) What measures are used to determine the public's sense of their quality of life and what measures are more useful for management to see.

[View Report.pdf](#)

[View Supplemental.pdf](#)

[View Supplemental Report.pdf](#)

5 Subject: Oakland's Parking Violation Fines Comparison
From: Finance and Management Agency
Recommendation: Receive A Follow-Up Report From The Parking Division On Comparison Of
Oakland's Parking Violation Fines With Other Cities
[09-0433](#)
[Play Video](#)

A motion was made by Member Nadel, seconded by Member Kernighan, that this matter be *Received and Forwarded to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 16, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

6 Subject: General Purpose Fund Clarification
 From: Councilmember Jean Quan
 Recommendation: Discussion And Consideration Of An Ordinance Amending Ordinance No. 12502 C.M.S. To Clarify General Purpose Fund (GPF) Reserve Requirements; Require A Mayoral Declaration Of Fiscal Emergency And Approval By Council Before The GPF Reserve Can Be Drawn Down; Require That Excess Real Property Transfer Tax Revenues Be Used To Build Up The GPF Reserve, Pay Back Negative Internal Service Fund Balances, Establish Set-Asides For Other Post-Employment Benefits (OPEB) And Police And Fire Retirement System (PFRS) Liabilities, And Fund Capital Improvements Projects; Require That One-Time Revenues Be Used To Repay Negative Fund Balances In Internal Service And Other Funds; And Provide Criteria For Project Carryforwards And Encumbrances In The GPF (TITLE CHANGE) [09-0452](#)
[Play Video](#)

A motion was made by Member Nadel, seconded by Member Kernighan, that this matter be *Approve as Amended the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 16, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The Committee directed the City Attorney to provide alternative language that allows either the Mayor and/or the Council to Declare Fiscal Emergency.

The following individual(s) spoke on this item:

- Jeff Levin

- Rachel Richman

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[View Supplemental Report.pdf](#)

7 Subject: Seized Property Tax Funds
From: Finance and Management Agency
Recommendation: Adopt A Resolution Finding Severe Fiscal Hardship Will Exist If Additional
City Property Tax Funds Are Seized And Additional Unfunded Mandates Are Adopted By The
State Of California
[09-0460](#)
[Play Video](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, 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 June 16, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The following individual spoke on this item:

- Sanjiv Handa

[View Report.pdf](#)

[82072 CMS.pdf](#)

8 Subject: One Work Place - Business Incentive Agreement
 From: Community and Economic Development Agency
 Recommendation: Adopt A Resolution Authorizing A Business Incentive Agreement With One
 Workplace Ferrari, LLC ("OWP"), Requiring OWP To Expand And Maintain Its Business In
 The City For A Minimum Period Of Five Years In Exchange For The City's Disbursement To
 OWP Of Business Incentive Payments In Amounts Equal To The Percentage Of Sales And Use
 Tax Received By The City From OWP's Retail Sales For The Following Periods: (1) For Year
 Two Of The Agreement (Fiscal Year 2011-2012), 50% Of The Tax; (2) For Year Three Of The
 Agreement (Fiscal Year 2012-2013), 45% Of The Tax; And (3) For Year Four Of The
 Agreement (Fiscal Year 2013-2014), 40% Of The Tax.

[09-0407](#)

[Play Video](#)

A motion was made by Member Nadel, seconded by Member Kernighan, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember No: Member De La Fuente
Councilmember Aye: Member Kernighan, Member Nadel and Chair Quan
The Committee directed staff to submit a supplemental report with their corrections. The Committee further directed that moving forward staff should provide more specifics on what they would like to see within this project.

The following individual(s) spoke on this item:

- Scott Peterson

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

[82089 CMS.pdf](#)

9 Subject: Equal Access Implementation Status
 From: Office of the City Administrator
 Recommendation: Receive A Status Report On The Implementation Of The Equal Access To
 Services Ordinance And Recommendations For Improving Language Access To City Services
 For Oakland's Limited English Speaking Population For The Period July 1, 2008 Through June
 30, 2009
 [09-0441](#)
 [Play Video](#)

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

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The following individual spoke on this item:

- Luz Buitrago

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

10 Subject: State Budget Status
 From: Budget Office
 Recommendation: Receive A Status Report From The City Administrator On The State Budget
 And Potential Impacts On The City's Proposed Budget For Fiscal Year 2009-2011
 [09-0439](#)
 [Play Video](#)

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

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

[View Report.pdf](#)

11 Subject: City Administrator's Purchasing Authority
From: Council President Brunner
Recommendation: Adopt An Ordinance Amending Ordinance No. 7937 C.M.S., Adopted February 6, 1969, And Amendments Thereto, Codified At Oakland Municipal Code Title 2, Chapter 2.04, Purchasing System, Article I, Bidding, Contracting And Purchasing, To Decrease Amounts For Certain Purchases Requiring City Council Approval And Decrease The City Administrator's Authority For Certain Purchases

[09-0489](#)

[Play Video](#)

A motion was made by Member De La Fuente, seconded by Member Kernighan, that this matter be Continued to the *Finance & Management Committee, due back on June 23, 2009. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The Committee directed staff to comeback with additional information regarding the 126 contracts and what the possible procedures would be for the Committees review of the contracts.

The following individual spoke on this item:

- Rachel Richman

[View Report.pdf](#)

12 Subject: Measure DD Bonds - Allocations And Appropriations
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution (1) Approving The Allocation And Appropriation Of Measure DD Bond Series 2009B Proceeds, (2) Approving The Reallocation Of Measure DD Bond Series 2003A Proceeds, And (3) Authorizing The City Administrator, Or The City Administrator's Designee, To Make Final Adjustments To The Allocations Of Measure DD Series 2003A Bond Proceeds As The City Administrator Deems Necessary For The Timely Completion Of Measure DD Projects

[09-0473](#)

[Play Video](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

[View Report.pdf](#)

[82096 CMS.pdf](#)

13 Subject: Tax Amnesty Program
From: Finance And Management Agency
Recommendation: Adopt An Ordinance Establishing A Time-Limited Business License Tax,
Parking Tax, Transient Occupancy Tax And Utility Users Tax Amnesty Program Forgiving
Payment Of Penalties And Interest On Penalties Applicable To Under-Reported And Unreported
Business Taxes, Parking Taxes, Transient Occupancy Taxes, And Utility Users Taxes For The
Period Of August 1, 2009 Through October 31, 2009

[09-0477](#)

[Play Video](#)

A motion was made by Member De La Fuente, seconded by Member Nadel, that this matter be *Approve as Amended the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Non-Consent item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

The Committee approved recommendations and the City Attorney amended the Ordinance as follows:

On Page One the fourth Whereas was deleted

In Section 2, Line 3 should read “penalties and interest on penalties owed by taxpayers under the Business Tax (O.M.C. 5.04); Line 5 should read “Tax (O.M.C. 4.28), provided that the amounts owed are based on true and complete reporting as”

In Section 5, Line 2 should read. “eligible taxpayer is any person, business, occupant, operator, or service provider”

[View Report.pdf](#)

[View Supplemental Report.pdf](#)

14 Subject: Measure DD Series 2009B - Bond Sales
From: Finance And Management Agency
Recommendation: Adopt A Resolution Authorizing And Directing The Sale Of Not To Exceed \$70,000,000 Aggregate Principal Amount Of City Of Oakland General Obligation Bonds (Series 2009B, Measure DD) And Levying An Ad Valorem Tax With Respect Thereto; Approving The Form Of And Authorizing The Execution And Delivery Of A Fiscal Agent Agreement; Approving The Selection Of One Or More Underwriters And The Execution Of Bond Purchase Contract(s) Or A Competitive Sale; Approving The Form Of And Authorizing The Distribution Of A Preliminary Official Statement And Authorizing Execution And Delivery Of An Official Statement; Approving The Retention Of Bond Counsel And Other Agents; Authorizing Payment Of Costs Of Issuance; And Authorizing Necessary Actions In Connection Therewith
[09-0478](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan
[View Report.pdf](#)
[82097 CMS.pdf](#)

15 Subject: Parking Division Report
From: Finance and Management Agency
Recommendation: Receive An Informational Report From The Parking Operations Division On Revenue Generating And Service Improvement Efforts
[09-0480](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, that this matter be *Received and Forwarded to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan
The Committee directed staff go out into the business communities and talk with merchants in the different districts to find out if increased meter operations and more enforcement days would help or hurt their businesses.
[View Report.pdf](#)
[View Supplemental Report.pdf](#)

16 Subject: 2009-2010 Investment Policy
From: Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Investment Policy For Fiscal Year 2009-2010; And

[09-0492](#)

[Play Video](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

[View Report.pdf](#)

[2009-0068 CMS.pdf](#)

2) A City Resolution Adopting The City Of Oakland's Investment Policy For Fiscal Year 2009-2010

[09-0492-1](#)

A motion was made by Member Nadel, seconded by Member De La Fuente, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Consent Calendar item. The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan

[82087 CMS.pdf](#)

17 Subject: 2009-2010 Debt Management And Swap Policies
From: Finance and Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Adopting The Oakland Redevelopment Agency's Debt Management Policy And Swap Policy For Fiscal Year 2009-2010; And
[09-0493](#)
[Play Video](#)

A motion was made by Member De La Fuente, seconded by Member Nadel, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Non-Consent item The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan
[View Report.pdf](#)
[2009-0069 CMS.pdf](#)

2) A City Resolution Adopting The City Of Oakland's Debt Management Policy And Swap Policy For Fiscal Year 2009-2010
[09-0493-1](#)

A motion was made by Member De La Fuente, seconded by Member Nadel, that this matter be *Approve the Recommendation of Staff, and Forward to the *Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council, due back on June 16, 2009 as a Non-Consent item The motion carried by the following vote:

Votes: Councilmember Aye: Member Kernighan, Member De La Fuente, Member Nadel and Chair Quan
[View Report.pdf](#)
[82088 CMS.pdf](#)

Open Forum (TOTAL TIME AVAILABLE: 15 MINUTES)

Adjournment

There being no further business, and upon the motion duly made, the Oakland City City Council Finance and Mangement Committee adjourned the meeting at 2:10 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.

NOTE:

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 48 hours prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

Fax: (510) 238-6699

Recorded Agenda: (510) 238-2386

Telecommunications Display Device: (510) 839-6451

[TDD](#)

City Clerk and Clerk of the Council