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CITY OF OAKLAND
Agenda Report

DATE: January 15, 2004

TO: Office of the City Manager
ATTN: Deborah Edgerly, Interim City Manager
FROM: Office of Intergovernmental Affairs

SUBJECT: **Proposed State Legislative Agenda for 2004**

SUMMARY

Each year, the City prepares a legislative agenda to serve as the foundation for a focused advocacy strategy in Sacramento. This agenda attempts to outline the City's position on a broad range of issues and strives to provide staff and the City's lobbyist with the basis for the City's legislative advocacy.

This report provides City Council with a list of recommendations to consider for inclusion into the City's 2004 State Legislative Agenda. The recommendations are grouped categorically, not by priority, into three sections: Sponsor Legislation, Funding Requests, and General Matters. The proposals contained in this report take into consideration the strong likelihood that the legislature will not solicit budget requests given the state is currently projecting a \$15 billion budget deficit for fiscal year 2004-2005.

This proposed agenda by no means includes every issue of concern that may arise throughout the course of the year; therefore, staff will continue to identify and monitor other important legislative issues and submit them to the City Council for consideration. In addition, the City's state lobbyist will also work to support grant proposals submitted by the City and to identify additional funding opportunities for City proposals as they arise throughout the year.

SPONSOR LEGISLATION

- 1. Oakland Army Base Trust Exchange Act:** This legislation will allow the State Lands Commission to effect a trust exchange of property at the former Oakland Army Base. The Oakland Base Reuse Authority ("OBRA"), the Oakland Redevelopment Agency ("ORA") and the Port of Oakland ("Port") jointly support the legislation and are working together in this effort. The effect of the legislation would be to lift the trust designation from the base parcels located west of Maritime Street, which are to be developed by ORA, and in exchange, impose the trust designation on the parcels east of Maritime Street, which are to be developed by the Port. The trust exchange enabled by the legislation would result in a net gain to the trust of

both acreage and market value. In addition, the City and Port believe that the proposed trust land configuration more accurately comports with the Port's terminal expansion goals and the provision of access to the waterfront, both of which are important trust purposes. As well, relieving the City/ORAs development area from the trust will enable the City to realize the full economic development potential of its land, maximizing the benefit to Oakland and the region.

2. **Motorized Scooters:** The noise and illegal operation of motorized scooters in the City of Oakland has resulted in degradation of the quality of life in neighborhoods throughout the City. Scooters operators, often young children, who are unlicensed and have no knowledge of the "rules of the road," operate the scooters in a reckless manner. Current law does not require operators to be licensed. The vehicles are difficult to track and tow because they are not registered and do not have unique numbers. There are no laws that prevent the modification of the vehicles to allow that to operate outside of the parameters of the law. Proposed state legislation would do the following:

- Require operators of motorized scooters to have a valid California driver's license.
- Require motorized scooters to be registered
- Prohibit the modification of motorized scooters to produce more noise or travel at a speed faster than 15mph.
- Require motorized scooter dealers to inform customers of the restrictions against modifications to motorized scooter.
- Allow local jurisdictions to regulate the use of motorized scooters on local roads and highways.

3. **Redevelopment Agency:** Sponsor new legislation to modify requirements of California Health and Safety Code regarding use and administration of redevelopment agency set-asides into the low and moderate income-housing fund. Specifically, legislation should introduced to:

- Allow the Oakland Redevelopment Agency to consolidate set-asides of tax increment revenues into a single, consolidated low and moderate income housing fund without any requirement to track those funds separately for each project area, other than to demonstrate that the necessary set asides have been made from each project area.
- Allow the Oakland Redevelopment Agency to expend its low and moderate income housing funds anywhere within the City of Oakland without the need to make separate findings that the use of such funds would be of benefit to each individual redevelopment project area that contributed funds for a specific housing activity.

4. **Public Records:** Seek legislative modification to the Public Records Act in order to protect individuals from potential abuse of their rights of privacy as a result of access to information in the files of a City Auditor's office. In an opinion provided

by Oakland City Attorney's Office, the City Auditor is considered to have no privilege to withhold records by virtue of any law. The Oakland City Auditor's office has encountered problems in obtaining information from contractors who provide services to the City, developers under consideration for contracting with the City on projects, and partners with the City under joint powers authorities. The reason for withholding the information is that the public will have access to files and this access may include trade information putting the business entity at a potential disadvantage with their operations in the market place.

5. Downtown Development: Extend and expand the City's Of Oakland's 2001 bill - AB 436 (authored by Majority Leader Chan). The recommendation includes:

- Extend the sunset provision a few more years (the provision is set to expire on January 1, 2005), as well as the report to the state legislature (due July 1, 2004).
- Make clear that if an application is filed and/or a Notice of Preparation is issued - AB 436 will apply even though the bill may have sunset before final project approvals.
- Make clear that a Master EIR is not required.
- Revise the definitions of transit-oriented development to track recently adopted state legislation.
- Expand the geographic area to the entire Central Business District
- Make clear that an addenda or new EIR (for the zoning code update, downtown project, other general plan element) could be the environmental analysis that provides CEQA clearance (as compared to the EIR for the general plan).

FUNDING REQUESTS (Bond Money)

- 1. LAKE MERRITT RESTORATION AND WATER QUALITY IMPROVEMENTS:** Seek state funds to restore and improve Lake Merritt. Lake Merritt and its surrounding open space are one of Oakland's most popular attractions. High levels of use combined with years of deferred maintenance have taken their toll on Oakland's crown jewel. To address the problem, the City developed a master plan for Lake Merritt Park adopted in July 2002 based on smart growth principles including: watershed and flood control management; sustained growth and prosperity through adaptive reuse of facilities; economic development; enhancement of environmental compliance and conditions; improved pedestrian accessibility and transportation systems; and expanded park and recreational opportunities for Oakland's underserved citizens. The comprehensive planning process was highly participatory, involving extensive public outreach including collaborations with the East Bay Regional Parks, Bay Conservation and Development Corporation, East Bay Municipal Utilities District, and the Oakland Unified School District.
- 2. ESTUARY WATERFRONT ACCESS, PARKS AND CLEAN UP:** Seek state funds to increase public access to Oakland's estuary waterfront. As Oakland enters the

twenty-first century new opportunities for its urban waterfront are rapidly emerging. The waterfront is an incredible opportunity for both the City of Oakland and the Port of Oakland to transform industrial waterfront and the city park system into a local, regional, and national recreational treasure and destination. This will be accomplished by creating a system of open spaces and a continuous pathway from Jack London Square to the Oakland Airport along the Estuary shoreline for jogging, biking, walking along the waterfront and tying the pathway at key locations along the way to help meet the park and recreation needs of residents drastically underserved with open space. A comprehensive pathway system will: help stimulate the development or at least improvement of private property; provide expanded recreational use opportunities in underserved areas of Oakland with linkages to a regional trail network – the Bay Trail; provide environmental enhancements and clean up; create interpretive and historic educational opportunities; and increase visual amenities and significant public gathering places.

3. **LAKE MERRITT TO ESTUARY CONNECTION:** Seek state funds to re-establish the connection between Lake Merritt and the Oakland Estuary. The Lake Merritt Channel would enhance the quality of life and economic viability of Oakland by developing a greenbelt along the Lake Merritt Channel; increase small boat recreational opportunities; provide environmental enhancements (habitat, wetlands and water quality) and redevelopment opportunities. The Lake Merritt channel is currently constrained by a number of crossings (city streets, a freeway, railway lines, and utilities) and a significant flood control structure. Land uses adjacent to the channel also currently constrain public access to it in certain areas and limit the quality of public open space.
4. **YOUTH AND PUBLIC RECREATION FACILITIES:** Seek state funds for the renovation of Studio One and the construction of the East Oakland Sports Complex. Studio One, a 20,000 square-foot two-story building, requires seismic and other building code renovations, access improvements to comply with the Americans with Disabilities Act, and other building system upgrades to meet current programming needs. The Studio One renovation will address mandatory building codes and deferred maintenance, and create an opportunity to expand programs in a historic structure. Construction of the East Oakland Sports Complex will accommodate cultural, sports, educational and social events and activities for individuals and families. The theme for the Complex would be based on developing experiences, skills, and talents for a full spectrum of fitness interests. It is assumed that this Complex will work in conjunction with other program and event facilities found nearby and at local schools and parks within the vicinity. In addition, the Complex will include a competitive swim complex designed to the standards to sponsor national and international events.
5. **CREEKS AND WATERWAYS RESTORATION:** Seek state funds for creeks and waterways restoration. The creek protection and restoration projects reflect the priorities of the City's watershed improvement program, which works closely with, and has the support of, community organizations such as Friends of Temescal

Creek, Friends of Sausal Creek and a variety of county, state and federal agencies. Creeks will be restored by re-creating natural meanders, re-grading and stabilizing banks, removing failing structures, and landscaping with native plants. Criteria to be used when considering creek segments for restoration include potential to improve water quality, hydrology, and wildlife habitat, to prevent floods, and to increase community stewardship; degree of community support and public accessibility; and connectivity to trails.

6. **CALIFORNIA HISTORY GALLERY – THE PEOPLE OF CALIFORNIA:** Request state funds to assist with exhibit fabrication and installation. The 28,000 square-foot California History Gallery is in need of renovation. Its material is not oriented toward engaging and educating today's diverse California population. The entire gallery of permanent exhibits is to be changed to bring the displays up to the present time and speak in a lively and interactive way to the new Californians. The museum will better communicate the history and present-day existence of California Indians, Latinos, Asians, African Americans, and other cultures. It will present the history of labor unions, farm-workers, and social justice movements. It will treat in context the more recent "gold rushes" such as the computer and biotech industries. A renovated history gallery will also make better use of the museum's vast and important historical and cultural collections.

7. **CALIFORNIA MUSEUM COLLECTIONS FACILITY:** Request \$5 million to assist with renovating a storage facility to house the "California Museum Collection" in accordance with the accreditation process performed by the American Association of Museums. The 1.2 million object collection focuses on the State of California and consist of artworks, historical artifacts, photographs, archives, natural specimens, and California Indian ethnographic material. The result of this project will also give access to the use of the collections by the state parks system and other museums.

GENERAL MATTERS

1. **VEHICLE LICENSE FEE (VLF):** Monitor legislation that proposes a change in the allocation formulas for local jurisdictions and/or support the continuation of the VLF backfill program.

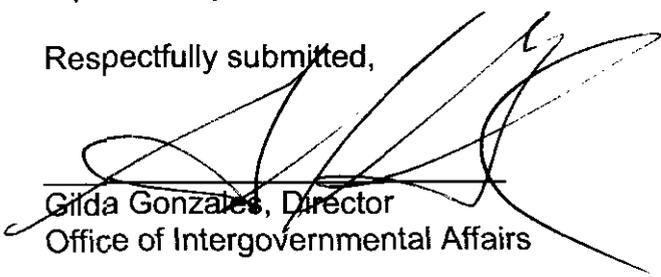
2. **MAINTAIN THE EXISTING LEVEL OF FUNDING FOR PUBLIC SAFETY PROGRAMS:** The City of Oakland's Police Department seeks to maintain the existing level of program funding to ensure public safety.
 - **California Law Enforcement Equipment Program (CLEEP).** In fiscal year 2001-2002, OPD received \$156,142 in CLEEP. The 2002-2003 award was \$82,718. These monies are used for new or upgraded technological equipment, including, but not limited to, new computers, surveillance equipment, radios and other communications devices.

- **Citizens Option for Public Safety Chapter 282, Statutes of 1992, Senate Bill 11 (California State COPS).** In fiscal year 2001-2002, OPD received \$818,590 in California State COPS VI funding. The 2002-2003 award was \$812,003. In 2003-04, the Department award is \$614,027. The funds are allocated to front line law enforcement services and community crime prevention. These funds are designated primarily for equipment, training, enhanced preventative policing services and to fund special suppression projects.
 - **California Cold Hit Grant.** Awarded in 2000, this \$176,301 grant is enabling the Department to re-examine unsolved sexual assaults and unsolved homicides that had a sexual assault component, dating back to 1995.
 - **California Department of Transportation, Office of Traffic Safety, DUI Enforcement.** This grant program provides funds for Traffic Enforcement Officers to conduct DUI checkpoints in various areas of the City.
 - **Juvenile Accountability Incentive Block Grant (JAIBG).** JAIBG provides funding for the Donald P. McCullum Youth Court (MYC), an Oakland community based organization. The youth court hears cases involving a minimum of 130 youth referred by the Oakland Police Department per year. In addition it provides referrals to counseling, prevention and treatment services for participating offenders and their families. Youth continue in the program as volunteer attorneys and jurors as well as participate in ongoing Law Clubs at five OUSD High Schools.
 - **State Corrections Training Funds.** The City of Oakland can qualify for receipt of State aid by adhering to the standards for recruitment and training of jailers and jail supervisory and management personnel. The intent of the aid to local governments is to offset costs of developing appropriate standards and training programs in correctional facilities. The Training for Corrections Program (STC) will reimburse the City for actual replacement costs including salary, benefits, overtime, and differential pay of the employee replacing the trainee, in addition to training travel, per diem and tuition costs.
3. **INCLUSIONARY ZONING:** Explore the potential for statewide support to establish a mandatory requirement for minimum inclusionary requirements in jurisdictions that have not already established inclusionary zoning. Existing state law permits jurisdictions to establish inclusionary zoning ordinances that require developers of market rate housing to include a specified percentage of units at rents or sales prices affordable to low or moderate income households. Adoption of this measure would ensure that all jurisdictions contribute to meeting regional "fair share" housing goals. Also, the existence of inclusionary zoning in all jurisdictions would establish a more level playing field -- adoption of inclusionary requirements would therefore not put a jurisdiction at a competitive disadvantage.

RECOMMENDATION

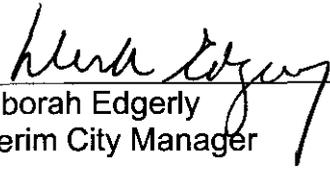
Staff recommends that the Rules and Legislation Committee accept and forward this report to City Council.

Respectfully submitted,



Gilda Gonzales, Director
Office of Intergovernmental Affairs

APPROVED FOR FORWARDING TO
RULES AND LEGISLATION COMMITTEE



Deborah Edgerly
Interim City Manager