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TO: Council President Brunner and Members of the Oakland City Council

FROM: Councilmember Pat Kernighan

RE: City Council Meeting of September 22, 2009 – Parking Enforcement Issues

"Discussion and Action to Adopt an Ordinance Amending Ordinance Number 12880 C.M.S. (Master Fee Schedule), and Ordinance Number 12953 As Amended, To Establish, Modify and Delete Fees Assessed by the Parking Operations Division of the Finance and Management Agency, Including Reductions in the Hours of Meter Enforcement, Reduction of the Hourly Charge for Parking in Metered Parking Spots, and/or Increasing the Time Limits for Various Metered Parking Spaces within the City."

Background:

The changes to parking enforcement policies adopted by the City Council on June 30, 2009, have provoked strong and vocal opposition from many members of the public. The changes included raising the hourly rate for metered parking from \$1.50 per hour to \$2.00 per hour; extending meter operation from 6 pm to 8 pm, substantially raising the amount of fines for most types of parking violations; and hiring numerous new parking enforcement personnel, which has resulted in a substantial increase in the number of parking tickets being issued, not only for meter violations, but also for a variety of violations in residential areas.

Hundreds of residents have sent email messages to the City Council and thousands have signed petitions in opposition to all aspects of Oakland's parking enforcement. We have heard complaints about all aspects of Oakland's parking enforcement program, including the meter rates being too high, the additional hours of enforcement hurting business, overzealousness of enforcement staff, the high cost of the fines, the poor noticing of the change in rules, the bureaucratic obstacles to contesting/appealing a ticket, and the fear that shoppers, diners and movie-goers will go to other cities where parking is cheaper, thus hurting our small businesses in an already tough economic climate. The general feeling is that the City's ramped-up enforcement efforts feels predatory and punitive.

There was very little advance notice to the public of the parking changes and initially, no explanation for why it was happening. After the onslaught of complaints and media coverage, the City responded with several press releases explaining the dire financial circumstances that the City is in and the need to raise revenue to pay for basic public services. The rationale is certainly true, but was not well-received by the public, probably because it didn't come out until after the fact. The intensity of public reaction to the new parking rules was probably heightened by the fact that people are already under economic stress from the downturn in the economy. For many people, this was the straw that broke the camel's back.

Reaction to the parking increases was not all negative. A smaller segment of the community has expressed support of the higher meter rates, on the grounds that City transportation should discourage the use of automobiles in favor of alternative means of transportation such as bicycling, walking and use of public transit.

I agree that Oakland should have a well thought-out transportation policy which includes parking enforcement that is related to maximizing shopper use of retail areas and encouraging alternative means of transportation. The problem in this case is that the parking policies that were proposed by City Administration and adopted by the Council were enacted with the sole objective of increasing revenue to the City. In the rush to balance the budget, which was legitimately the primary focus at the time, no analysis was done on the economic impacts or comprehensive transportation impacts of the new parking rules.

I believe that at least one of the parking policies should be changed immediately. In addition; the Council and Administration should begin a thorough analysis of how parking policy interacts with the economic health of our business neighborhoods and with our long-term transportation goals, and return to Council at a later date with recommendations for a long-term parking policy that serves the full range of public policy objectives of the City, not just revenue generation.

Proposal to Rescind the 8 p.m. meter enforcement

I propose that Council vote to roll back the meter enforcement from 8 p.m. to 6 p.m. That is the aspect of the parking changes that seems to be causing the biggest problem for most people. We heard from many people who were deterred from doing their evening errands or going out to dinner in Oakland by the cost of the meters and the risk of getting a ticket. Our neighboring cities do not charge for parking between 6 and 8 pm, so we are placing an extra challenge on our restaurants and small businesses by doing so.

I have attached an Ordinance amending Ordinance 12953 and OMC 10.36.050 to effect the return to the 6 p.m. ending time for parking meters.

Reduce or Re-Assign some Parking Enforcement Personnel

Another problematic aspect of the new parking enforcement regimen is that the City increased the number of parking enforcement personnel such that they seem to be looking for technical violations regardless of whether the parking is presently a real problem for the neighborhood. I have received many complaints from residential areas that are getting ticketed for violations that haven't been enforced in 30 years, such as parking in the wrong direction. I also put this issue before the Council for re-examination. We need to make sure that real public safety and nuisance issues are being addressed by parking personnel, rather than using parking enforcement of technical violations as a revenue generator.

Fiscal Impact:

City staff projects that elimination of meter collection between 6 pm and 8 pm will cost the City \$1.33 million in anticipated revenue. I don't know if this will in fact be the

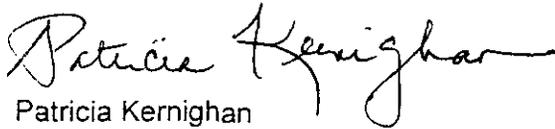
case. I think we need to see the assumptions on which this is based. Further, it may be the case that the loss of immediate parking revenue will be outweighed by the long-term loss of sales tax due to high parking rates. Many businesses are reporting reductions in sales for July and August of 20% and more. So far City staff have not collected data that would support any conclusion one way or the other on sales. Nevertheless, I believe it is unwise to place a further burden on businesses that are already struggling in a recessionary economy.

The need is urgent to give some relief to our struggling businesses and to residents who need to use a car in order to patronize their local businesses. I will propose in a Supplemental Report ideas for other revenue-generating ideas or further cuts in City expenses to help offset anticipated revenues. In any case, I believe Council should make this change to the meter hours now. This fiscal issue should be taken up as part of the larger budget discussions that Council will inevitably be engaging in again this fall.

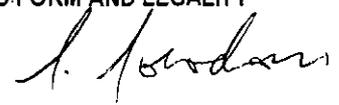
Recommendation:

To Amend OMC section 10.36.050 to make the ending time for meter operation and enforcement 6 p.m. instead of 8 p.m., and to give direction regarding any other parking enforcement policy changes that the Council deems prudent.

Respectfully submitted,


Patricia Kernighan

Councilmember, District 2



OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

09 SEP 10 PM 4:25

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE SECTION 10.36.050 TO INCREASE THE EXEMPTED TIME PERIOD FOR A PARKING METER ZONE VIOLATION BY CHANGING THE START TIME FROM 8:00 P.M. TO 6:00 P.M.

WHEREAS, Oakland Municipal Code section 10.36.050 makes illegal parking in a parking meter zone if the parking meter shows that the parking time has expired, and

WHEREAS, Oakland Municipal Code section 10.36.050 specifies a certain time period when violations are exempted, and

WHEREAS, on July 7, 2009, the Oakland City Council adopted Ordinance No. 12953 C.M.S. amending Oakland Municipal Code section 10.36.050, changing the start time for the exempted time period for a parking meter violation from six p.m. to eight p.m.

WHEREAS, The Oakland City Council wishes to return to the previous start time of six p.m. for the exempted time period for a parking meter violation;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1. Oakland Municipal Code (O.M.C.) section 10.36.050 "Parking Meter Indication That Space is Illegally in Use" is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

A. It is illegal for any person to park or leave standing any vehicle in any parking meter zone on any street at any time during which the parking meter shows, indicates, registers, or displays that the parking space is illegally in use except during the time necessary to deposit United States coins in said parking meter so as to show, indicate, register, display, or permit legal parking and excepting also during the time from ~~eight p.m.~~ six p.m. to eight a.m., and excepting also all holidays as defined in Section 10.36.090 when indicated by appropriate signs located on the parking meter. When five-hour meters are installed, such meters shall show, indicate, register, display, or permit legal parking during a twenty-four (24) hour period, seven days a week, when indicated by appropriate signs located on the parking meters.

SECTION 2. Severability. If any article, section, subsection, sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption if upon final passage it passes with six or more affirmative votes. It will take effect seven days after final passage if it is adopted with five affirmative votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____