



SUPPLEMENTAL City of Oakland Meeting Agenda

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

Concurrent Meeting of the Oakland Redevelopment Agency / City Council

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612

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

Tuesday, May 20, 2008

6:00 PM

Oakland City Hall, 3rd Floor

DEFINITION OF TERMS:

CONSENT ITEM: any action item that a subject matter Committee has forwarded to the full Council with unanimous recommendation for approval and is not controversial, and does not have a high level of public interest as determined by the Rules Committee. These items are heard on the 6:00 P.M. portion of the agenda.

NON-CONSENT ITEM: any action that a subject-matter Committee has forwarded to the full Council without unanimous recommendation for approval, or having a high level of public interest, or is controversial as determined by the Rules Committee. These items are heard on the 7:00 P.M. portion of the agenda.

ACTION ITEM: any resolution, ordinance, public hearing, motion, or recommendation requiring official vote and approval of the City Council to be effective.

INFORMATIONAL ITEM: an item of the agenda consisting only of an informational report that does not require or permit Council action.

1 Pledge of Allegiance

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

**Jane Brunner, Dist. 1; Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3;
Jean Quan, Dist. 4; Desley Brooks, Dist. 6; Vice Mayor Larry Reid, Dist. 7;
Henry Chang, At-Large, and President Ignacio De La Fuente, Dist. 5**

3 Open Forum / Citizens Comments
(Time Available: 15 minutes)

4 Modifications to the Consent Calendar, and requests from Councilmember(s) to pull an item from the Consent Calendar, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.

5 Motion for 'Members' Requests for Reconsideration' of an Action taken at the preceding Council Meeting, shall be scheduled for the next-succeeding City Council meeting as a non-consent item. (Motion Maker must have voted on prevailing side)

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- 6 Requests from Councilmember(s) to schedule an Action Item considered by Committee but not forwarded to Council, shall be scheduled for the next-succeeding City Council meeting as a non-consent item.
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on May 6, 2008

8. PRESENTATION OF CEREMONIAL MATTERS

- 8.1 Subject: Police Officer Commendations
From: Councilmember Nancy Nadel
Recommendation: Award Commendations To Oakland Police Officers Matt Komoda; Ercivan Martin; Nick Miller; Dasean Spencer; Enrico Taupal; And Trent Thompson In Recognition Of Their Heroic Efforts On April 1, 2008, By Risking Their Lives To Save More Than 50 People From A Burning Building At 3010 Adeline Street, In Oakland, California
(07-1342)
- S-8.2 Subject: Sandra Steen - Recognition
From: Councilmember Patricia Kernighan
Recommendation: Adopt A Resolution Recognizing Sandra Steen For 22 Years Of Distinguished Service To The City Of Oakland
(07-1353)

Subsequent to the May 15, 2008 Rules and Legislation Committee meeting, and in accordance with Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S., this item was placed on this agenda.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

- S-8.3 Subject: Bruce Beasley - Recognition
From: Councilmember Henry Chang
Recommendation: Adopt A Resolution Honoring Oakland Artist Bruce Beasley On His Selection By The International Olympic Committee As One Of The Top 20 Artists In The World To Make And Showcase A Monumental Sculpture For The "2008 Beijing Olympics"
(07-1372)

Subsequent to the May 15, 2008 Rules and Legislation Committee meeting, and in accordance with Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S., this item was placed on this agenda.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

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10. CONSENT CALENDAR (CC) ITEMS:

- 10.1-CC Subject: Declaration Of A Local Emergency Due To AIDS Epidemic
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing And Continuing The City Council's Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health Crisis With Regard To The AIDS Epidemic
(07-1327)
- 10.2-CC Subject: Medical Cannabis Health Emergency
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland
(07-1328)
- 10.3-CC Subject: California Department Of Transportation - Funding Agreements
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Assistant City Administrator, Deputy City Administrator, Director - Community And Economic Development Agency, And/Or Public Works Director To Execute Funding Agreements With The California Department Of Transportation For Transportation Infrastructure And/Or Planning Grants
(07-0727)
- 10.4-CC Subject: California Model Fire Code - Local Amendments
From: Fire Department
Recommendation: Adopt An Ordinance Repealing Current Oakland Municipal Code Chapter 15.12, Fire Code, And Adopting And Making Local Amendments To The 2007 Edition Of The California Model Fire Code, California Code Of Regulation Title 24, Part 9, Including, But Not Limited To, Appendix Chapter 1 Administration, Appendix B Fire-Flow Requirements, Appendix C Fire Hydrant Locations, Appendix D Fire Apparatus Access Roads, And National Fire Protection Association And Other Referenced Standards As Adopted By The California State Fire Marshal, And Re-Codifying Said Code At Oakland Municipal Code Chapter 15.12 As The Oakland Fire Code
(07-0869)

ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE OF THIS ORDINANCE.

Introduction (First Reading) was approved on May 6, 2008; 8 Ayes

- 10.5-CC Subject: Zoning Regulations Amendment
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To Update References, Improve Consistency Among Chapters, Clarify Language, And Make Other Minor Planning Code Revisions (Including Updating Development Standards In

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the HBX Zone, Permitted Uses In The S-8 Zoning Designations; Revising Conditional Use Permit Criteria For Dwelling Units With Five Or More Bedrooms; And Increasing The Threshold Before Certain Projects Require A Major Conditional Use Permit In the R-36 And R-40 Zones)

(07-0979)

ACTION ON THIS ITEM WILL RESULT IN THE FINAL PASSAGE OF THIS ORDINANCE.

Introduction (First Reading) was approved on May 6, 2008; 8 Ayes

10.6-CC Subject: Millicent Flowers - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Millicent Flowers In The Amount Of Fifteen Thousand Dollars And No Cents (\$15,000.00), As A Result Of Bodily Injuries Sustained In An Automobile Collision With A City Vehicle On October 19, 2007. (Oakland Police Department)

(07-1346)

This item was not discussed in Closed Session.

10.7-CC Subject: Adrina Hill - Settlement Agreement
From: Office of the City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle The Claim Of Adrina Hill In The Amount Of Fifteen Thousand Five Hundred Dollars And No Cents (\$15,500.00), As A Result Of Bodily Injuries Sustained In An Automobile Collision With A City Vehicle On May 19, 2007. (Oakland Police Department)

(07-1347)

This item was not discussed in Closed Session.

10.8-CC Subject: ~~Immigration And Customs Enforcement Tactics~~
From: ~~Council President De La Fuente & Vice Mayor Larry Reid~~
Recommendation: ~~Adopt A Resolution Denouncing Tactics Used By The Immigration And Customs Enforcement Agency To Intimidate Oakland Residents Including Placement Of Field Agents, Vehicles And Conducting Surveillance At Or Near School Campuses And Re-Affirming The City's Declaration As A City Of Refuge~~

(07-1341)

THIS ITEM IS NOW ITEM 20

10.9-CC Subject: Priority Project Funds - District 5
From: Council President De La Fuente
Recommendation: Adopt A Resolution Authorizing A Grant From Councilmember De La Fuente's Priority Project Funds To The Oakland Unified School District In The Amount Of \$31,250.25 To Fund The After School Sports Program At Cesar Chavez Education Center

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[\(07-1348\)](#)

S-10.10-C Subject: Sanitary Sewer Easement - 25 Chadbourne Way
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Summarily Vacating A Portion Of A Sewer
Easement At 25 Chadbourne Way To Brian And Shelley Turner

[\(07-1220\)](#)

**The May 13, 2008 Public Works Committee approved recommendations; 4
Ayes**

S-10.11-C Subject: Revocable And Conditional Permit - 2100 23rd Avenue
C From: Community And Economic Development Agency
Recommendation: Adopt A Resolution Granting David Underwood, Gregory Greer, And
Jill Jaffe A Revocable And Conditional Permit To Allow Oriel Windows For An
Existing Building At 2100 23rd Avenue To Encroach Over The Public Sidewalk Along
23rd Avenue And East 21st Street

[\(07-1222\)](#)

**The May 13, 2008 Public Works Committee approved recommendations; 4
Ayes**

S-10.12-C Subject: 27th Street - Class II Bicycle Lane Installation
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Installation Of Class II Bicycle
Lanes On 27th Street By Reducing Travel Lanes From Six (6) Through Lanes To Four
(4) Through Lanes Between San Pablo Avenue And Harrison Street

[\(07-1241\)](#)

**The May 13, 2008 Public Works Committee approved recommendations; 4
Ayes**

S-10.13-C Subject: Bicycle Program Grants - 2008-2009
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Of Oakland To Apply For,
Accept, And Appropriate Up To One Hundred Ninety-Seven Thousand Six Hundred
And Seventy-Two Dollars (\$197,672.00) In Fiscal Year 2008-2009 State Transportation
Development Act Article 3 Funds As Follows: (1) City Racks Bicycle Parking Program,
Phase VII, Twenty-Two Thousand Six Hundred Seventy-Two Dollars (\$22,672.00); (2)
Stanford Avenue Bicycle Crossing, Twenty-Five Thousand Dollars (\$25,000.00); (3)
27th Street/Bay Place Bikeway, Broadway To Grand Avenue, Fifty Thousand Dollars
(\$50,000.00); (4) On-Call Curb Ramp Project, Phase B, Fifty Thousand Dollars
(\$50,000.00); And (5) Lakeshore Avenue Bikeway Project, Fifty Thousand Dollars
(\$50,000.00)

[\(07-1242\)](#)

**The May 13, 2008 Public Works Committee approved recommendations; 4
Ayes**

S-10.14-C Subject: Ray's Electric - Construction Contract

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C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Award An Construction Contract To Ray's Electric For The Safe Routes To School Cycle 6 Project (City Project No. G305010, State Project No. SR2SL-5012(080)) In Accord With Project Specifications And Contractor's Bid Dated March 17, 2008, For An Amount Of Three Hundred Thirty-Nine Thousand Four Hundred Thirty-Three Dollars (\$339,433.00) [\(07-1258\)](#)

The May 13, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.15-C Subject: Darcy And Harty Contract - Rehabilitation Of Sanitary Sewers
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award of A Construction Contract To Darcy And Harty Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Franklin Street, 3rd Street, Broadway, And 11th Street - Subbasins 64-02, 64-06 And 64-07 (Project No. C227710) For The Amount Of Two Million One Hundred Eighty-Six Thousand One Hundred Sixty-Four Dollars (\$2,186,164.00) [\(07-1285\)](#)

The May 13, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.16-C Subject: Andes Construction Contract - Sanitary Sewer Rehabilitation
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Blair Avenue And Wood Drive (Project No. C282870) For The Amount Of Six Hundred Ninety-Five Thousand Five Hundred Fifty-Two Dollars (\$695,552.00) [\(07-1286\)](#)

The May 13, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.17-C Subject: Andes Construction Contract - Sanitary Sewer Rehabilitation
C From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing Award Of A Construction Contract To Andes Construction, Inc. For The Rehabilitation Of Sanitary Sewers In The Area Bounded By Embarcadero, Fallon Street, 12th Street, And Alice Street - Subbasin 64-01 (Project No. C267110) For The Amount Of Three Million One Hundred Seven Thousand One Hundred Forty-Two Dollars (\$3,107,142.00) [\(07-1287\)](#)

The May 13, 2008 Public Works Committee approved recommendations; 4 Ayes

S-10.18-C Subject: Purchase Of Real Property - 9418 Edes Avenue
C From: Community and Economic Development Agency

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Recommendation: Adopt An Agency Resolution Authorizing The Purchase Of Real Property At 9418 Edes Avenue, Oakland (APN 044-5014-005) From Paul Staley For \$600,000, Plus Real Estate Closing Costs
(07-1219)

The May 13, 2008 Finance and Management Committee approved recommendations; 4 Ayes

S-10.19-C Subject: Sale Of 2008-2009 Tax And Revenue Anticipation Notes
C From: Treasury Division - Finance And Management Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The Sale Of The 2008-2009 Tax And Revenue Anticipation Notes, Series A And Series B (Federally Taxable) In An Amount Not To Exceed One Hundred Fifty-Five Million Dollars (\$155,000,000); And, Authorizing The Execution And Delivery Of Related Documents And Approving Certain Related Actions, And
(07-1315)

2) An Ordinance Providing For The Borrowing Of Funds For Fiscal Year 2008-2009 In An Amount Not To Exceed \$155,000,000 And The Issuance And Sale Of 2008-2009 Tax And Revenue Anticipation Notes, Series A And Series B (Federally Taxable) Therefor And Approving Certain Related Matters
(07-1315-1)

The May 13, 2008 Finance and Management Committee approved recommendations and directed staff to report back on a resolution with the Port of Oakland on “pre-funding” obligations of Series B Notes concerning their responsibility for their portion of miscellaneous employee costs. The Committee also directed to place this item on the upcoming Port of Oakland Liaison Committee agenda; 4 Ayes

S-10.20-C Subject: Food Policy Council
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into An Agreement With Food First, Inc. For The Period Of May 15, 2008 Through May 14, 2009 In An Amount Not To Exceed \$50,000 For The Establishment Of The Food Policy Council With The Mission Of Cultivating And Establishing A Sustainable Food System For Oakland (TITLE CHANGE)
(07-1185)

The May 13, 2008 Life Enrichment Committee approved recommendations and amended the resolution with a “title change” ...To Commence With The Mission Of Cultivating And Establishing A Sustainable Food System For Oakland'; and also added an additional WHEREAS to include the functions of the Food Policy Council 1) Developing an integrated strategic plan to foster a sustainable food system for the City, including policy and program recommendations; 2) Actively advocating for and supporting implementation of new and existing food policies and programs in the City;

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4 Ayes

S-10.21-C Subject: 2008-2009 Head Start And Early Head Start Grants
C From: Department of Human Services
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Apply For, Accept, And Appropriate Head Start Basic, Head Start Training And Technical Assistance, Early Head Start Basic, And Early Head Start Training And Technical Assistance Grants For Program Year 2008-2009 From The U.S. Department Of Health And Human Services, Administration For Children And Families (DHHS/ACF) In The Estimated Amount Of \$14,732,735, And Authorizing A Grant Agreement With The Unity Council For The Estimated Amount Of \$4,707,290 To Fund Child Development Services In Accord With Said Grants And To Approve The Program Planning, Shared Decision Making, And Internal Dispute Resolution Policies Of The City Of Oakland's Head Start Program
(07-1217)

**The May 13, 2008 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-10.22-C Subject: Disabled Adults Employment Program - Oakland Museum
C From: Oakland Museum
Recommendation: Adopt A Resolution Waiving The Competitive Bid/Request For Proposal Process And Awarding A Contract To The Arc Of Alameda County, Which Runs An Employment Program For Developmentally Disabled Adults, In An Amount Not To Exceed Sixty Thousand Nine Hundred And Sixty Dollars (\$60,960.00) With A Two Year Option To Renew For Non-Technical Landscape And Grounds Maintenance Services At The Oakland Museum Of California (TITLE CHANGE)
(07-1225)

**The May 13, 2008 Life Enrichment Committee approved
recommendations; 4 Ayes**

S-10.23-C Subject: National Council On Crime & Delinquency - Agreement
C From: Oakland Police Department
Recommendation: Adopt A Resolution (1) Amending Resolution No. 80414 C.M.S., Which Authorized The Acceptance And Appropriation Of Grant Funds In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000) From The State Of California, Corrections Standards Authority, Title V Community Prevention Grants Program, To Reprogram Up To Sixty Thousand Dollars (\$60,000); (2) Amending Resolution No. 80415 C.M.S. Which Authorized The Acceptance And Appropriation Of Grant Funds In An Amount Not To Exceed One Million Five Hundred Thousand Dollars (\$1,500,000) From The State Of California, Corrections Standards Authority, Title II Formula Grants Program, To Reprogram Up To Seventy-Five Thousand Dollars (\$75,000), And (3) Authorizing A Waiver Of The Competitive Request For Proposal/Qualifications Process And Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Enter Into A Professional Services Agreement With The National Council On Crime And Delinquency In An Amount Not To Exceed Fifty

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Thousand Dollars (\$50,000) For The Police Department's Implementation Of A Two-Day Conference, Tentatively Scheduled For September 18 And 19, 2008, Focusing On Disproportionate Minority Contact As It Relates To Juvenile Crime Prevention, Incarceration, And Intervention
(07-1259)

The May 13, 2008 Public Safety Committee approved recommendations; 4 Ayes

S-10.24-C Subject: Urban Search And Rescue Team - Grant
C From: Oakland Fire Department
Recommendation: Adopt A Resolution 1) Authorizing The City Administrator To Apply For, Accept And Appropriate A Grant From The Federal Emergency Management Agency (FEMA) For The Period May 1, 2008 To August 31, 2009 In The Amount Of One Million Thirty Thousand One Hundred Seventy-Nine Dollars (\$1,030,179) To Meet Continuing Management, Training And Equipment Needs Of The Fire Department's Urban Search And Rescue (USAR) Team, And 2) Waiving The City's Competitive Bidding Requirements And Authorizing Procurement Of Equipment From The General Services Administration Agency And Or Other Government Purchasing Schedules, And 3) Authorizing The City Administrator To Award Equipment Contracts Without Return To Council, And 4) Waiving The City's Central Service Overhead Costs In The Amount Of \$34,163.00
(07-1261)

The May 13, 2008 Public Safety Committee approved recommendations; 4 Ayes

S-10.25-C Subject: Adam Walsh Act Implementation Grant
C From: Oakland Police Department
Recommendation: Adopt A Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Accept Grant Funds In An Amount Not To Exceed Three Hundred Thousand Dollars (\$300,000) From The U.S. Department Of Justice, Office Of Justice Programs, Sex Offender Sentencing, Monitoring, Apprehending, Registering And Tracking (SMART) Office, Fiscal Year 2007 Support For Adam Walsh Act Implementation Grant Program, For The Period April 2, 2008 Through March 31, 2009, And Appropriate Said Funds To The Police Department To Increase Staffing Assigned To Sex Offender Registration, Tracking And Compliance (TITLE CHANGE)
(07-1263)

The May 13, 2008 Public Safety Committee approved recommendations; 4 Ayes

S-10.26-C Subject: Oakland Police Department - Annuitant Funding
C From: Vice Mayor Reid
Recommendation: Adopt A Resolution Authorizing The Amount Of Seventy-Eight Thousand Dollars (\$78,000) From Vice Mayor Larry Reid's Pay-Go Funds To Be Used To Pay Salaries And Other Employment Costs Of Police Annuitants Performing Review of Child Abuse Complaints

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(07-1375)

Subsequent to the May 15, 2008 Rules and Legislation Committee meeting, and in accordance with Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S., this item was placed on this agenda.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

S-10.27-C Subject: Support For The City Of Miangyang
C From: Councilmembers Chang and Quan
Recommendation: Adopt A Resolution In Support Of Oakland's Friendship City Of Miangyang, China, For Its Recovery From The May 12th 7.9 Magnitude Earthquake
(07-1376)

Subsequent to the May 15, 2008 Rules and Legislation Committee meeting, and in accordance with Rule 28 of the Council's Rules of Procedure Resolution 79006 C.M.S., this item was placed on this agenda.

This item requires an urgency finding pursuant to Section 2.20.080 E(2) of the Sunshine Ordinance requiring a 2/3 majority vote.

- 11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session
- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

**COMMENCING AT 7:00 P.M. OR AS SOON AS REASONABLY PRACTICAL
THEREAFTER:**

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

14. Consideration of items with statutory Public Hearing Requirements:

- 14.1 Subject: 115 Unit Senior Housing Project Appeal
From: Community and Economic Development Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Denying The Appeal And Sustaining The Decision Of The City's Planning Commission In Approving The Application For A Major Conditional Use Permit, Design Review, And Minor Variance To Allow A 115-Unit Senior Housing Facility Located At 4311-17 MacArthur Boulevard, Oakland
(07-1195)
- 14.2 Subject: Landscaping & Lighting Assessment Improvement
From: Public Works Agency
Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Ordering Improvement To The City Of Oakland Landscape And Lighting Assessment District And Confirming The Levying Of The Assessments And Directing The Fiscal

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Year 2008-2009 Assessment To Be Turned Over To The County Auditor For Billing
And Collection
(07-1279)

- S-14.3 Subject: Planning Code Amendments
From: Community and Economic Development Agency
Recommendation: Adopt An Ordinance Amending The Oakland Planning Code To:
(1) Add Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones", Which Will Create
The Following Four New Zones: Commercial Industrial Mix-1, Commercial Industrial
Mix-2, General Industrial And Industrial Office;
(2) Amend The City's Zoning Maps To Map These Proposed Zones In Areas In The City
That Currently Have The General Plan Land Use Designations Of Business Mix And
General Industrial/Transportation;
(3) Amend Chapter 17.10 "Use Classifications";
(4) Add Chapter 17.100 "S-19 Health And Safety Protection Overlay Zone"; And Amend
Zoning Map To Add Overlay;
(5) Amend Chapter 17.120 "Performance Standards"; And
(6) Amend The "Guidelines For Determining Project Conformity With The General Plan
And Zoning Regulations" To Reflect The New Zones
(07-0978)

Pursuant to Resolution 79006 C.M.S. Rule 7(6), a motion was made by Councilmember Chang, seconded by Councilmember De La Fuente to pull this item from the May 6, 2008 Consent Calendar and place on this agenda as a Non-Consent item.

ACTION ON THIS ITEM WILL RESULT IN THE RE-INTRODUCTION OF THIS ORDINANCE.

Final Passage (Second Reading) has been scheduled for June 17, 2008

If Council passes a motion with at least five affirmative votes that accepts the amendments to the ordinance that staff recommends in the supplemental report and ordinance dated May 20, 2008, Council's action would result in reintroduction (new first reading) of the ordinance, as amended with Final Passage (Second Reading) scheduled for June 17. If Council rejects the amendments recommended by staff in the supplemental report and ordinance and passes a motion with at least five affirmative votes in favor of the ordinance that was introduced on April 15, 2008, Council's action would result in Final Passage (second reading) of the ordinance.

THE BACK UP MATERIAL FOR THIS ITEM WAS ORIGINALLY DISTRIBUTED AS ITEM 16

ACTION ON NON-CONSENT ITEMS:

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- 15 Subject: Measure Y Oversight Committee Appointment
From: Councilmember Desley Brooks
Recommendation: Adopt A Resolution Appointing Elias J. Ferran As A Member Of The Violence Prevention And Public Safety Oversight Committee
(07-1326)
- 16 Subject: ~~Planning Code Amendments~~
From: ~~Community and Economic Development Agency~~
Recommendation: ~~Adopt An Ordinance Amending The Oakland Planning Code To:~~
(1) ~~Add Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones", Which Will Create The Following Four New Zones: Commercial Industrial Mix-1, Commercial Industrial-Mix-2, General Industrial And Industrial Office;~~
(2) ~~Amend The City's Zoning Maps To Map These Proposed Zones In Areas In The City That Currently Have The General Plan Land Use Designations Of Business Mix And General Industrial/Transportation;~~
(3) ~~Amend Chapter 17.10 "Use Classifications";~~
(4) ~~Add Chapter 17.100 "S-19 Health And Safety Protection Overlay Zone"; And Amend Zoning Map To Add Overlay~~
(5) ~~Amend Chapter 17.120 "Performance Standards"; And~~
(6) ~~Amend The "Guidelines For Determining Project Conformity With The General Plan And Zoning Regulations" To Reflect The New Zones~~
(07-0978)
- PURSUANT TO THE DIRECTION OF THE CITY ATTORNEY'S
OFFICE THIS ITEM HAS BEEN MOVED TO A PUBLIC HEARING AS
ITEM 14.3.**
- 17 Subject: Community Policing Advisory Board - Appointment
From: Office of the Mayor
Recommendation: Adopt A Resolution Appointing Jason Serinus As A Member Of The Community Policing Advisory Board
(07-1349)
- 18 Subject: Paramount Theater Of The Arts Board - Appointment
From: The Office of the Mayor
Recommendation: Adopt A Resolution Re-Appointing Julia Taber And David Foulkes As Members Of The Paramount Theater Of The Arts Board
(07-1350)
- 19 Subject: Commission On Aging - Appointment
From: The Office of the Mayor
Recommendation: Adopt A Resolution Re-Appointing Samuel E. Miller And Appointing Donna Griggs As Members Of The Commission On Aging
(07-1351)
- 20 Subject: Immigration And Customs Enforcement Tactics
From: Council President De La Fuente & Vice Mayor Larry Reid
Recommendation: Adopt A Resolution Denouncing Tactics Used By The Immigration

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And Customs Enforcement Agency To Intimidate Oakland Residents Including Placement Of Field Agents, Vehicles And Conducting Surveillance At Or Near School Campuses And Re-Affirming The City's Declaration As A City Of Refuge
(07-1341)

**THE BACK UP MATERIAL FOR THIS ITEM WAS ORIGINALLY
DISTRIBUTED AS ITEM 10.8-CC.**

S-21 Subject: Hazardous Materials And Waste Consulting Services - Agreements
From: Public Works Agency
Recommendation: Adopt The Following Pieces of Legislation:

1) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Baseline Environmental In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996)

2) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Ensr Corporation In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996-1)

3) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Erler & Kalinowski, Inc. In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996-2)

4) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Fugro West In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996-3)

5) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Kleinfelder In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996-4)

6) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Mactec Engineering And Consulting, Inc. In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
(07-0996-5)

7) A Resolution Authorizing The City Administrator To Enter Into An Agreement With

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Northgate Environmental Management, Inc. In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-6\)](#)

8) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Treadwell & Rollo In An Amount Up To Seven Hundred Fifty Thousand Dollars (\$750,000.00) For As-Needed General Environmental Consulting Services For A Three-Year Period From July 1, City Administrator To Enter Into An Agreement With Treadwell & Rollo In An Amount 2008 Through June 30, 2011; And
[\(07-0996-7\)](#)

9) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Acc Environmental Consultants In An Amount Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) For As-Needed Hazardous Materials/Waste Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-8\)](#)

10) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Ihi Environmental In An Amount Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) For As-Needed Hazardous Materials/Waste Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-9\)](#)

11) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Mactec Engineering & Consulting, Inc. In An Amount Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) For As-Needed Hazardous Materials/Waste Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-10\)](#)

12) A Resolution Authorizing The City Administrator To Enter Into An Agreement With Professional Services Industries, Inc. In An Amount Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) For As-Needed Hazardous Materials/Waste Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-11\)](#)

13) A Resolution Authorizing The City Administrator To Enter Into An Agreement With SCA Environmental In An Amount Up To Two Hundred Fifty Thousand Dollars (\$250,000.00) For As-Needed Hazardous Materials/Waste Consulting Services For A Three-Year Period From July 1, 2008 Through June 30, 2011; And
[\(07-0996-12\)](#)

14) An Agency Resolution Authorizing The Agency Administrator To Expend Agency Funds Up To Seven Million Two Hundred Fifty Thousand Dollars (\$7,250,000.00) For As Needed Environmental Services (Seven Hundred Fifty Thousand Dollars (\$750,000.00) Per Agreement For General Environmental Services And Two Hundred Fifty Thousand Dollars (\$250,000.00) Per Agreement For Hazardous Material/Waste Services) From City Of Oakland As-Needed Environmental Services Contracts In Effect

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From July 1, 2008 Through June 30, 2011
(07-0996-13)

The May 13, 2008 Public Works Committee approved recommendations and directed staff to interview the 7 firms as discussed to see if they meet the city policies and move forward the top 5 to be added to the pool of firms for the contracts and report back in July with the results of the interviews; 3 Ayes, 1 No - Chang

S-22 Subject: 81st Avenue Library Project - Bid Process
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator, Or Her Designee, To Reject All Bids For The 81st Avenue Library Project, Re-Bid The Project, And Award A Construction Contract To NBC General Contractors Corporation In The Amount Of Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000.00) (TITLE CHANGE)
(07-1221)

The May 13, 2008 Public Works Committee approved recommendations; 3 Ayes, 1 Abstain Brooks

S-23 Subject: Skyline Boulevard Restoration
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To 1) Appropriate \$128,000.00 For Emergency Clean-Up, Slide Stabilization, Slide Monitoring, And For Preventive Measures Resulting From A Slide On Skyline Boulevard; 2) Appropriate \$158,000.00 For Skyline Boulevard Emergency Roadway Opening Project; 3) Appropriate \$1,317,000.00 For Skyline Boulevard Emergency Permanent Restoration Project; and 4) Waive Advertising And Award Emergency Construction Contracts Through A Modified Competitive Bid Process To The Local Lowest Responsible Responsive Bidders Without Return To Council
(07-1239)

The May 13, 2008 Public Works Committee approved recommendations; 4 Ayes

S-24 Subject: Local Street And Road Rehabilitation
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate An Additional \$5,400,000.00 Of Fiscal Year 2007-2008 Proposition 1B Transportation Funds For Local Street And Road Rehabilitation
(07-1240)

The May 13, 2008 Public Works Committee approved recommendations and directed staff to move forward with submitting the application to Caltrans with "List A" but not to include "List B". "List B" should be refined and discussed with the Council and brought back to Committee; 4 Ayes

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S-25 Subject: City Helicopter Storage Agreement
From: Community and Economic Development Agency
Recommendation: Adopt A Resolution Authorizing The City Administrator To Negotiate And Execute A One-Year License Or Lease Agreement, With Five One (1) Year Renewal Options, With The Port Of Oakland For Use Of Real Property Located At Port Building L-118, North Airport, Oakland International Airport, For Office Use And For The Operation, Storage And Maintenance Of City Helicopters, And Reasonable Related Uses; In An Annual Amount Not To Exceed \$168,000, Plus \$42,000 For The Performance Deposit
(07-1284)

The May 13, 2008 Finance and Management Committee approved recommendations and directed staff to secure the site to house the City Helicopters. The Committee also directed staff to negotiate with the Port of Oakland to assume all cost and to amend the resolution accordingly; 4 Ayes

S-26 Subject: Downtown Community Benefit District 2008
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Of Intention To Form The Downtown Community Benefit District Of 2008, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 15, 2008; And
(07-1249)

2) A Resolution Authorizing The City Administrator To Sign The Ballot For The Five City-Owned Properties On Which An Assessment Is To Be Levied (APNS: 003 0065 009 02, 003 0067 001 00, 003 0067 002 00, 008 0619 008 01, 008 0620 014 04) To Support The Formation Of The Downtown Oakland Community Benefit District Of 2008; And
(07-1249-1)

3) An Agency Resolution Authorizing The Agency Administrator To Sign The Ballot For The Four Agency-Owned Properties Which An Assessment Is To Be Levied (APN: 001 0201 010 00, 002 0097 045 00, 008 0620 009 03, 008 0641 008 05) To Support The Formation Of The Downtown Oakland Community Benefit District Of 2008
(07-1249-2)

The May 13, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes

S-27 Subject: Lake Merritt/Uptown Community Benefit District 2008
From: Community and Economic Development Agency
Recommendation: Adopt The Following Pieces Of Legislation:

SUPPLEMENTAL

1) A Resolution Of Intention To Form The Lake Merritt/Uptown Community Benefit District Of 2008, Granting Preliminary Approval Of The Management Plan, Directing Filing Of The Proposed Assessment District Boundary Description, Submitting A Proposed Assessment To The Affected Property Owners For Majority Protest Procedure Approval; And Scheduling A Public Hearing For July 15, 2008; And
(07-1250)

2) Resolution Authorizing The City Administrator To Sign The Ballot For the Five City-Owned Properties On Which An Assessment Is To Be Levied (APNS: 008 0623 006 01, 008 0635 001 00, 008 0649 005 00, 008 0655 006 00, 010 0768 004 00) To Support The Formation Of The Lake Merritt/Uptown Community Benefit District Of 2008
(07-1250-1)

The May 13, 2008 Community and Economic Development Committee approved recommendations; 4 Ayes

S-28 Subject: Misdemeanor Prosecution Program
From: Vice Mayor Larry Reid/Council President De La Fuente/The Mayor
Recommendation: Adopt A Resolution Authorizing The City Administrator To Implement The Infraction And Misdemeanor Prosecution Program As Part Of The City's Crime Fighting Strategic Plan; Authorizing Its Funding In An Amount Not To Exceed Six Hundred Fifty Eight Thousand Four Hundred And Fifty Five Dollars (\$658,455); And Authorizing Its Implementation To Begin Immediately To Help Remedy The Criminal Conditions Adversely Impacting the Quality Of Life Of Oakland Residents (TITLE CHANGE)
(07-1235)

The May 13, 2008 Public Safety Committee approved recommendations and amended the resolution to provide for two attorney's and requested that a specific implementation plan be developed. The Committee also requested that the decision regarding implementation of the program be made in context with the midcycle budget review; 3 Ayes, 1 Abstain - Quan

S-29 Subject: Support Of Assembly Bill 501
Recommendation: Adopt A Resolution In Support Of Assembly Bill 501 (Swanson and Hancock) - "Pharmaceutical Devices" Which Would Require Pharmaceutical Manufacturers To Provide Safe Disposal Options For Home-Generated Pen Needles, Pre-Filled Syringes, And Other Injection Devices (SHARPS) By Providing A Prepaid Mail-Back Container To Consumer
(07-1317)

Subject: Support Of Assembly Bill 2347
From: Councilmember Quan
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2347 (Ruskin) - "Mercury Thermostats Take-Back" That Would Provide For Free And Convenient Return Of Mercury-Containing Thermostats To Any Location That Sells Them
(07-1319)

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Subject: Support Of Assembly Bill 2505
From: Councilmember Quan
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2505 (Brownley) -
"Toxic Packaging Phase Out" Which Would Prevent Human And Environmental
Exposure To Toxins And Encourage Recycling Of Packaging By Phasing Out Use Of
Toxic, Non Recyclable Polyvinyl Chloride (PVC) Packaging
(07-1320)

Subject: Support Of Assembly Bill 2640
From: Councilmember Quan
Recommendation: Adopt A Resolution In Support Of Assembly Bill 2640 (Huffman) -
"Compostable Organics Management" Which Would Incentivize The Development Of
Environmentally Superior Alternatives To Landfilling Organic Compostable Materials
Through A \$1.40 Per Ton Fee For Green Materials Use For "Beneficial Reuse" In
Landfills, Used To Promote Activities That Divert These Materials From Landfills
(07-1322)

Subject: Support Of Assembly Bill 1672
From: Councilmember Nancy Nadel
Recommendation: Adopt A Resolution In Support Of Senate Bill 1672 (Steinberg) That
Would Enact The Renewable Energy, Climate Change, Career Technical Education, And
Clean Technology Job Creation Bond Act Of 2010, To Authorize The Issuance And Sale
Of 3 Billion Dollars In State General Obligation Bonds For Specified Purposes,
Including: (A) The Development Of Renewable Energy And Energy Efficiency And
Conservation; (B) The Development Of Clean Technology Businesses And Jobs, And
Educational And Worker Training Programs; And (C) The Development Of Businesses,
Technologies, Infrastructure Investment, Jobs, Apprenticeships, And Internships That
Will Help California Adapt To Climate Change With Special Attention For Actions That
Will Benefit Disadvantaged Communities
(07-1335)

**Due to a lack of quorum at the May 15, 2008 Rules and Legislation
Committee, this item was placed on this agenda in accordance with Rule 28
of the Council's Rules of Procedure Resolution 79006 C.M.S.**

**This item requires an urgency finding pursuant to Section 2.20.080 E(2) of
the Sunshine Ordinance requiring a 2/3 majority vote.**

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

**(Meeting shall conclude no later than 10:30 p.m., unless extended by Majority Vote of the
Council)**

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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.

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[\(...\)](#)

LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council

ORA - Oakland Redevelopment Agency
S - Supplemental Item