

2024 MAY 10 11:17:30

APPROVED AS TO FORM AND LEGALITY

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90238 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT, AS PART OF A STIPULATION WITH THE STATE OF CALIFORNIA FOR ENTRY OF FINAL JUDGEMENT, THREE SUPPLEMENTAL ENVIRONMENTAL PROJECTS THAT ADVANCE ENVIRONMENTAL IMPROVEMENT EFFORTS, WHICH INCLUDE: 1) A GRANT AGREEMENT IN THE AMOUNT OF \$298,720 BETWEEN THE CITY AND THE ROSE FOUNDATION FOR COMMUNITIES AND THE ENVIRONMENT; 2) THE PURCHASE AND INSTALLATION OF SURVEILLANCE CAMERAS WITH LICENSE PLATE READING CAPABILITIES AT CHRONIC ILLEGAL DUMPING HOTSPOTS FOR \$160,000; AND 3) THE PURCHASE AND CONSTRUCTION OF A UNIVERSAL WASTE STORAGE SHED FOR \$16,280

WHEREAS, in April 2024, the City of Oakland (City) and the State of California (State) entered a Stipulation and Entry of Final Judgement for Civil Penalties and Permanent Injunction on Consent (Stipulation Agreement), resolving “People of the State of California, ex rel. Meredith Williams, Director of the California Department of Toxic Substances Control, People of the State of California, ex rel. Pamela Y. Price, Alameda County District Attorney v. City of Oakland City Attorney” (File No.: OFD-190014), a case brought against the City for alleged environmental compliance violations mainly related to improper hazardous waste disposal practices; and

WHEREAS, in Oakland, toxic runoff from a number of sources, including but not limited to illegal dumping and improper hazardous waste disposal, enters its complex network of free-flowing and culverted creeks and eventually empties into the San Francisco Bay (Bay), leading to a host of public and environmental health issues; and

WHEREAS, as part of the Stipulation Agreement and in addition to civil penalties, the City must pay \$475,000 to fund three court-approved supplemental environmental projects (SEPs) that advance environmental improvement efforts, one of which has been selected by the State; and

WHEREAS, the State selected the Rose Foundation for Communities and the Environment’s (Rose Foundation) New Voices Are Rising’s Green Teens, Clean Streams (Green Teens, Clean Streams) project as one of the SEPs; and

WHEREAS, this Resolution would authorize the City Administrator to enter into a grant agreement with the Rose Foundation, awarding them \$298,720 to carry out their Green Teens, Clean Streams project over a two-year period; and

WHEREAS, the Green Teens, Clean Streams project focuses on: 1) educating youth from CalEnviroScreen-designated pollution burdened areas about the spread of toxins into the Bay via urban runoff and its public and ecosystem health implications; and 2) engaging these youth in hands-on water quality testing and creek and Bay restoration activities, helping to mitigate toxic contamination of adjacent waters; and

WHEREAS, the second SEP would, for \$160,000, address the City's need for illegal dumping enforcement by installing surveillance cameras with license plate reading capabilities at chronic dumping hotspots; and

WHEREAS, over 7,000 tons of material, including hazardous material, are illegally dumped in Oakland annually, costing the City millions of dollars to remove, and leading to human health hazards, environmental contamination, and aesthetic blights; and

WHEREAS, in 2022, the City launched a pilot project, purchasing and deploying 15 surveillance cameras at dumping hotspots, and it became evident that these surveillance cameras could not read license plate numbers, making it more difficult to produce supporting information to prosecute those illegally dumping and prevent them from doing so in the future; and

WHEREAS, Council adopted Resolution No. 90143 C.M.S. on March 19, 2024, adding license plate recognition (LRP) cameras from Security Lines, U.S. (SLUS) to the City's Illegal Dumping Surveillance Camera Program and authorizing a three-year contract with SLUS for the purchase and maintenance of LPR and other cameras; and

WHEREAS, the surveillance camera SEP would operate within the purview of Resolution No. 90143 C.M.S. to retrofit the existing 15 surveillance cameras with license plate reading capabilities (~\$3,500 each) and purchase up to eight additional complete LPR-equipped camera systems (~\$13,500 each); and

WHEREAS, improper disposal of universal waste materials (such as household batteries, electronic devices, and mercury-containing devices, etc.) can release hazardous substances into the environment, including into bodies of water via urban runoff;

WHEREAS, the final SEP involves the purchase and construction of a universal waste storage shed for \$16,280, which would provide a space for the safe containment of universal waste materials; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to enter into a grant agreement with the Rose Foundation, whereby the City would award them \$298,720 to carry out their Green Teens, Clean Streams project over a two-year period; and be it

FURTHER RESOLVED: That the City Administrator is authorized to conduct all negotiations and execute and submit all documents, including but not limited to agreements and

payment requests, and to take any other action consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the agreement shall be reviewed and approved by the Office of the City Attorney for form and legality and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement, with the exception of those related to an increase in total compensation or the allocation of additional funds, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to spend up to \$160,000 on the purchase and implementation of surveillance cameras, paired with license plate reading cameras at chronic illegal dumping hotspots; and be it

FURTHER RESOLVED: That the City Council authorize the City Administrator to spend up to \$16,280 on the purchase and implementation of a universal waste storage shed; and be it

FURTHER RESOLVED: That City Council has reviewed the proposed SEPs and independently finds and determines that this action is exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines Sections: Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15303 (construction of small structures); Section 15304 (minor alterations to land); Section 15306 (information collection); Section 15311 (accessory structures); Section 15330 (minor actions to prevent release of hazardous waste/substances); and Section 15333 (small habitat restoration projects), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the project named in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 21 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - *u*

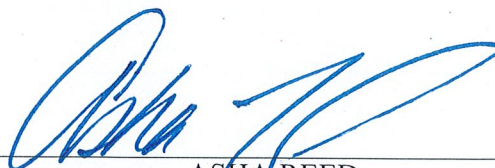
NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

2 Excused: Fife/Kaplan

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California