



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

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

1 Pledge of Allegiance

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A meeting of the Joint Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 6:15 PM.

2 Roll Call / ORA & Council
COUNCIL MEMBERS:

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

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The following individuals spoke under Open Forum:

- Brad Walters
- Felipe Cuevas
- Cheryl Dunaway
- Christine Saed
- Sequonite Buggs
- Juanita Carter
- Shirnell Smith
- Damita Davis-Howard
- Dwight McElroy
- Nick Jones
- Simuel Ramey
- Ian Overton
- Oyang Teng
- Nwamaka Agbo
- Sanjiv Handa

- 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.
There was no action necessary for this 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)
There was no action necessary for this item
- 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.
There was no action necessary for this item
- 7 Approval of the Draft Minutes from the Concurrent Meeting of the Oakland Redevelopment Agency/City Council held on May 6, 2008

No Action Taken

8. PRESENTATION OF CEREMONIAL MATTERS

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- 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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

A motion was made by Councilmember Kernighan, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
Agency/Councilmember Brooks made a motion seconded by Agency/Councilmember De La Fuente to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-8.2 that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to a purely ceremonial or commendatory action.

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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](#)

Withdrawn and Rescheduled to Concurrent Meeting of the Oakland Redevelopment Agency/ City Council on 6/17/2008

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9. COUNCIL ACKNOWLEDGEMENTS / ANNOUNCEMENTS

Agency/Councilmember Nadel took a point of personal privilege and requested that the meeting be adjourned in memory of Macheo Smith

10. CONSENT CALENDAR (CC) ITEMS:

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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
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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](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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 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](#)

This Matter was Approved for Final Passage on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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 Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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~~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
[07-1344](#)~~

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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
[07-1348](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual spoke on this item:

- Sanjiv Handa
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual spoke on this item:

- Sanjiv Handa
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S-10.14-C Subject: Ray's Electric - Construction Contract
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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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S-10.18-C Subject: Purchase Of Real Property - 9418 Edes Avenue
C From: Community and Economic Development Agency
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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

A motion was made by Councilmember Reid, seconded by Member Chang, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

A motion was made by Councilmember Reid, seconded by Member Chang, that this matter be Approved on Introduction for Final Passage to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 18, 2008. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

As required by law, this item was called separately, staff presented a report to the Full Council, answered questions and the public was given the opportunity to speak before the vote was taken.

The following individual spoke on this item:

- *Sanjiv Handa*
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual spoke on this item:

- *Sanjiv Handa*
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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 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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
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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
[07-1375](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
Agency/Councilmember Reid made a motion seconded by Agency/Councilmember Kernighan to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-10.26-CC that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting.

The resolution was amended to strike the word "performing" and add "working in the police special victims unit reviewing cases, including child abuse compliants"

The following individual spoke on this item:

- Sanjiv Handa
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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](#)

This Matter was Adopted on the Consent Agenda.

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
Agency/Councilmember Chang made a motion seconded by Agency/Councilmember Reid to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-10.26-CC that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting
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Passed The Consent Agenda

A motion was made by Councilmember Kernighan, seconded by Member Chang, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

11 An oral report from the Agency Counsel / City Attorney of final decisions made during Closed Session

A motion was made by Member Chang, seconded by Councilmember Kernighan, to *Approve as Submitted the report from the Office of the City Attorney of three final decisions made during Closed Session. Please refer to Attachment "A" for the details of the two final decisions.
The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente
The following individual spoke on this item:
- Sanjiv Handa

- 12 A disclosure of non-confidential Closed Session Discussion pursuant to Section 15 of the Sunshine Ordinance

A motion was made by Member Chang, seconded by Councilmember Kernighan, to *Approve as Submitted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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

- 13 Reconsideration of Ordinances pursuant to Charter Section 216

There was no action necessary for this item

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](#)

***Withdrawn with No New Date**

The following individuals spoke on this item:

- Leila Moncharsh
 - Maureen Borseley
 - Barbara Sutherland
 - Sanjiv Handa
 - Charles Pine
 - Gevrjian Alexis
 - Lease Wong
- [View Report.pdf](#)

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 Year 2008-2009
 Assessment To Be Turned Over To The County Auditor For Billing And Collection
[07-1279](#)
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A motion was made by Councilmember Quan, seconded by Councilmember Reid, that this matter be Continued to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 17, 2008. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

Upon the reading of Item 14. 2 by the City Clerk, the Public Hearing was opened at 7:37 PM.

The following individuals spoke on this item:

- Gordon Piper
- Dale Hagen
- David E. Mix
- Susan Montauk
- Jacquie Castaine
- Sanjiv Handa
- Chia Hamilton

Agency/Councilmember Quan made a motion, seconded by Agency/Councilmember Reid, to close the Public Hearing, and hearing no objections, the motion passed by Ayes: Agency/Councilmember: Brooks, Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council De La Fuente -8

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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](#)
[Play Video](#)

A motion was made by Member Chang, seconded by Councilmember Reid, to Approved As Amended On Re-Introduction to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on June 17, 2008. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Ayes: 7 - Councilmember Brunner, Member Chang,
Councilmember Kernighan, Councilmember Nadel, Councilmember Quan,
Councilmember Reid and President of the Council De La Fuente
*Upon the reading of Item 14.3 by the City Clerk, the Public Hearing was
opened at 7:55 PM.*

The following individuals spoke on this item:

- George Burt
- Rusty Snow
- Paul Forkash
- Marc Madden
- Aaron Forkash
- Elin Christopherson
- Scott Peterson
- Sanjiv Handa

*Agency/Councilmember Nadel made a motion, seconded by
Agency/Councilmember Kernighan, to close the Public Hearing, and hearing
no objections, the motion passed by Ayes: Agency/Councilmember: Brooks,
Brunner, Chang, Kernighan, Nadel, Reid, Quan, and President of the Council
De La Fuente -8*

The council amended the ordinance to remove the portion pertaining to

recycling and to amended the language to prohibit Primary Recycling Collection Centers within 600 feet of a residential zone and allow them only with the granting of a conditional use permit (CUP) in CIX-1, CIX-2 and IG industrial zones in areas greater than 600 feet from residential zones; Intermediate Recycling Processing Facilities would be prohibited within 300 feet of a residential zone and require the granting of a conditional use permit elsewhere in all four industrial zones and directed staff to bring forward in addition to the final passage of the ordinance and emergency moratorium regarding recycling facilities for a specific time period and to work on developing a licensing program with performance standards.

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ACTION ON NON-CONSENT ITEMS:

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](#)

A motion was made by Councilmember Brooks, seconded by Councilmember Reid, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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- 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](#)

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- 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](#)

A motion was made by Councilmember Nadel, seconded by Member Chang, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brooks
ORA\Councilmember Noes: 1 - President of the Council De La Fuente
ORA\Councilmember Ayes: 6 - Councilmember Brunner, Member Chang,
Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and
Councilmember Reid

The following individuals spoke on this item:

- Sally A.Keane
- Colleen Brown
- Eugene E. Smith
- Jeff Hutcher
- Don Link
- Cynthia Elliott
- Jason Victor Serinus
- David Bellecci
- Sanjiv Handa
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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](#)

**A motion was made by Councilmember Brooks, seconded by
Councilmember Reid, that this matter be Adopted. The motion carried by
the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

The following individual spoke on this item:

- Sanjiv Handa
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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](#)

**A motion was made by Councilmember Brooks, seconded by
Councilmember Reid, that this matter be Adopted. The motion carried by
the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente

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[81309 CMS.pdf](#)

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 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](#)
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A motion was made by Councilmember Reid, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual spoke on this item:
- Sanjiv Handa
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[81310 CMS.pdf](#)

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](#)
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A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
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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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81312 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Recused: 1 - President of the Council De La Fuente
ORA\Councilmember Noes: 1 - Member Chang
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81313 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81314 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81315 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81316 CMS.pdf](#)

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

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81317 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81318 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81319 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81320 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81321 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81322 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[81323 CMS.pdf](#)

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

A motion was made by Councilmember Nadel, seconded by Councilmember Brooks, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Abstained: 1 - Councilmember Brunner
ORA\Councilmember Noes: 2 - Member Chang and President of the Council De La Fuente
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and Councilmember Reid
[2008-0042 CMS.pdf](#)

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](#)

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A motion was made by Councilmember Reid, seconded by Councilmember Quan, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

The following individual spoke on this item:

- Sanjiv Handa

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[81324 CMS.pdf](#)

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](#)

A motion was made by Councilmember Brunner, seconded by Member Chang, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 2 - Councilmember Quan and Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel and President of the Council De La Fuente

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[81325 CMS.pdf](#)

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](#)

A motion was made by Councilmember Brunner, seconded by Member Chang, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 2 - Councilmember Quan and Councilmember Reid

ORA\Councilmember Ayes: 6 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel and President of the Council De La Fuente

The following individual spoke on this item:

- *Sanjiv Handa*
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[81326 CMS.pdf](#)

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](#)

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A motion was made by Councilmember Brunner, seconded by Councilmember Nadel, that this matter be Adopted as Amended. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

The resolution was amended to reflect that the annual amount for the rental is not to exceed \$1

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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](#)

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A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid

ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

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[81328 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente
[81329 CMS.pdf](#)

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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente
The following individual spoke on this item:
- *Sanjiv Handa*
[2008-0043 CMS.pdf](#)

S-27 Subject: Lake Merritt/Uptown 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 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](#)

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A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

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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](#)

A motion was made by Councilmember Nadel, seconded by Councilmember Brunner, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Absent: 1 - Councilmember Reid
ORA\Councilmember Ayes: 7 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan and President of the Council De La Fuente

The following individual spoke on this item:

- *Sanjiv Handa*

[81331 CMS.pdf](#)

S-28 Subject: Misdemeanor Prosecution Program
From: Vice Mayor Larry Reid/Council President De La Fuente/The Mayor
Recommendation: Action On A Report For A Proposed 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](#)

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Continued to Special Concurrent Meeting of the Oakland Redevelopment Agency and City Council - Fiscal Year 2008-2009 Mid-Cycle Policy Budget Review on 5/29/2008

The resolution was amended to provide for one attorney in each of the police service areas. This discussion will be continued at the May 29, 2008 budget meeting

The following individuals spoke on this item:

- Sanjiv Handa

- Scott Peterson

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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](#)

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A motion was made by Councilmember Quan, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

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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](#)

**A motion was made by Councilmember Quan, seconded by
Councilmember Nadel, that this matter be Adopted. The motion carried
by the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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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](#)

**A motion was made by Councilmember Quan, seconded by
Councilmember Nadel, that this matter be Adopted. The motion carried
by the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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[81334 CMS.pdf](#)

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](#)

**A motion was made by Councilmember Quan, seconded by
Councilmember Nadel, that this matter be Adopted. The motion carried
by the following vote:**

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember
Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel,
Councilmember Quan, Councilmember Reid and President of the Council De
La Fuente
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[81335 CMS.pdf](#)

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](#)

A motion was made by Councilmember Quan, seconded by Councilmember Nadel, that this matter be Adopted. The motion carried by the following vote:

Votes: ORA\Councilmember Ayes: 8 - Councilmember Brooks, Councilmember Brunner, Member Chang, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Councilmember Reid and President of the Council De La Fuente

Agency/Councilmember Quan made a motion seconded by Agency/Councilmember Nadel to approve an urgency finding pursuant to Section 2.20.080 E(2) regarding Item S-29 that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action relates to federal or state legislation.

The following individual spoke on this item:

- Sanjiv Handa
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[81336 CMS.pdf](#)

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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There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting in memory of Macheo Smith at 10:25 PM

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