


City Attorney

OFFICE OF THE CITY CLERK

2007 JUN 14 PM 3:32

OAKLAND CITY COUNCIL
RESOLUTION No. 80659 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO PROCEED WITH MULTIPLE ENERGY EFFICIENCY PROJECTS AS FOLLOWS:

- 1) ACCEPT AND APPROPRIATE SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED AND SIXTY-SIX DOLLARS AND SIXTY-SEVEN CENTS (\$666,666.67) OF RELIANT ENERGY SETTLEMENT FUNDS AND AN ADDITIONAL NINETEEN THOUSAND FOUR HUNDRED NINE DOLLARS AND SEVENTY-FOUR CENTS (\$19,409.74) OF WILLIAMS ENERGY SETTLEMENT FUNDS FOR ALTERNATIVE ENERGY OR ENERGY EFFICIENCY ACTIVITIES;
- 2) RECOGNIZE AND APPROPRIATE NINETY-FIVE THOUSAND AND TWENTY DOLLARS AND TWENTY-TWO CENTS (\$95,020.22) OF SOLAR PROJECT-RELATED INTEREST AND REFUND REVENUE;
- 3) RE-APPROPRIATE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) OF WILLIAMS ENERGY SETTLEMENT FUNDS;
- 4) ACCEPT AND APPROPRIATE REBATES, GRANTS AND INCENTIVES FOR ENERGY PROJECTS;
- 5) WAIVE THE COMPETITIVE SOLICITATION PROCESSES FOR VARIOUS ENERGY EFFICIENCY SERVICES AND CONSTRUCTION;
- 6) AWARD CONTRACTS FOR VARIOUS ENERGY EFFICIENCY SERVICES AND CONSTRUCTION IN EXCESS OF THE CITY ADMINISTRATOR'S PURCHASE AUTHORITY;
- 7) AWARD A CONTRACT TO ICLEI LOCAL GOVERNMENTS FOR SUSTAINABILITY FOR GREENHOUSE GAS EMISSIONS ASSESSMENT AND CLIMATE ACTION PLANNING IN AN AMOUNT NOT-TO-EXCEED EIGHTY THOUSAND DOLLARS (\$80,000.00); AND
- 8) AWARD GRANTS TO RISING SUN ENERGY CENTER IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FOR THE 2007 and 2008 CYES PROGRAM, ECO LOGOS, INC. IN THE AMOUNT OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) FOR LAUNCH OF A PILOT CARBON CREDIT CARD PROGRAM, AND COMMUNITY ENERGY SERVICES CORPORATION IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR ITS SMARTLIGHTS PROGRAM

WHEREAS, the Attorney General of the State of California, on behalf of the City of Oakland and other entities, negotiated a settlement of legal claims against Williams Energy Corporation (Williams) and Reliant Energy Corporation (Reliant); and

WHEREAS, pursuant to the terms of the settlement, Williams has provided the City of Oakland with a total of \$3,519,409.74 that is restricted to funding activities that promote alternative energy production or improved energy efficiency in the City; and

Revised by Public Works Committee, June 12, 2007

WHEREAS, pursuant to Resolution No. 78707, adopted July 20, 2004, the City Council accepted and appropriated \$1,500,000.00 of the Williams settlement funds in the City Facilities Energy Conservation Projects Fund (4450), and received a \$1,519,409.74 final payment on April 5, 2007, that was \$19,409.74 greater than anticipated; and

WHEREAS, pursuant to Resolution No. 79753 C.M.S. adopted May 7, 2006 the City Council authorized and directed the City Attorney to settle the Reliant Energy component of the Wholesale Electricity Antitrust case for the sum of \$666,666.67; and

WHEREAS, pursuant to the terms of the settlement, Reliant has provided the City of Oakland with a total of \$666,666.67 restricted to funding activities that promote alternative energy production or improved energy efficiency in the City; and

WHEREAS, the City accrued \$88,020.22 in interest for lease funds held during the completion of the Solar Power Lease Project (C282110) and a \$7,000.00 refund from PowerLight corporation, also associate with the solar power project totaling \$95,020.22 in solar project related interest and refund revenue; and

WHEREAS, Pacific Gas and Electric Company (PG&E) offers rebates and incentives to encourage the City to deliver energy efficiency and alternative energy improvements; and

WHEREAS, the Oakland City Council members and other Oakland leaders have pursued alternative energy and energy efficiency for many years; and

WHEREAS, the proposed programs and initiatives for alternative energy production and energy efficiency projects described in the agenda report, supplemental agenda report and attachment accompanying this Resolution are aligned with Council goals, objectives and initiatives highlighted in the following documents: Sustainable Community Development Initiative; Mayor/Council Goals and Citywide Objectives in the FY 2005-2007 Adopted Policy Budget; and proposed initiatives highlighted in the Sustainability Oriented Economic Development agenda report delivered to the CEDA committee on April 26, 2005; and

WHEREAS, City Staff is collaborating with Lawrence Berkeley National Laboratory (LBNL) and PG&E to develop street lighting energy efficiency methods; and

WHEREAS, the City Administrator has determined that it is appropriate to waive the City's Local and Small Local Business Enterprise Program Requirements for the LBNL contract; and

WHEREAS, the City Administrator has determined that it is in the interest of the City to waive competitive solicitation requirements of the Purchasing Ordinance (Chapter 2.04 of the Oakland Municipal Code) for reasons detailed in the agenda report and attachment accompanying this resolution, and further recommends negotiation and execution of agreements totaling less than \$80,000 without returning to the City Council for professional services for research to continue developing energy efficient street lighting technology, provided by LBNL, PG&E, and their research affiliates; and

Revised by Public Works Committee, June 12, 2007

WHEREAS, the City Administrator has determined that it is in the interest of the City to waive competitive solicitation requirements of the Purchasing Ordinance for reasons detailed in the agenda report, supplemental agenda report and attachment accompanying this resolution, and further recommends negotiation and execution of agreements for professional and construction services for life-cycle cost-effective energy efficiency and renewable energy projects in City facilities without return to Council provided that bids and proposals are solicited from all qualified Oakland-certified local and small, local businesses for the work; and

WHEREAS, the City of Oakland has committed, as a member of ICLEI Local Governments for Sustainability (ICLEI), to develop a greenhouse gas emissions reduction target and a Climate Action Plan; and

WHEREAS, ICLEI, is a non-profit organization with a regional headquarters office in Oakland was contracted by StopWaste.Org to organize The Alameda County Climate Protection Project to prepare a baseline greenhouse gas emissions inventory for the 2005 calendar year which includes Oakland; and

WHEREAS, the City Administrator has determined that it is in the interest of the City to waive competitive solicitation requirements of the Purchasing Ordinance for reasons detailed in the agenda report, supplemental agenda report and attachment accompanying this resolution, and further recommends negotiation and execution of an agreement for professional services associated with greenhouse gas emissions assessment and Climate Action Plan, provided by ICLEI in an amount not-to-exceed \$80,000.00; and

WHEREAS, the City Administrator has determined that any contracts awarded for services hereunder are of a professional, technical or scientific and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, Rising Sun Energy Services (RSEC), through their California Youth Energy Services (CYES) has been providing energy-oriented youth training programs in Oakland since 2005 and can continue providing programs in Oakland for summers through 2008; and

WHEREAS, Eco Logos proposes to launch a pilot program establishing a "Carbon Credit Card" to use the power of the consumer economy to reduce carbon emissions in Oakland with funding from the City of Oakland that is contingent on verifying that adequate funds are committed by other sources; and

WHEREAS, Community Energy Services Corporation (CESC) is a subcontractor to PG&E's East Bay Energy Watch Program and ~~that~~ has been providing energy efficiency improvements to Oakland businesses since 2001 through it's SmartLights program and has identified a need for additional incentives in addition to PG&E funded incentives to successfully encourage Oakland businesses to make cost-effective energy efficiency improvements; and

WHEREAS, the City Administrator has determined that it is in the interest of the City to grant \$80,000.00 to RSEC for the CYES program in 2007 and 2008; to grant \$35,000.00 to Eco Logos, Inc. for launch of a pilot Carbon Credit Card program; and to grant \$15,000.00 to Community Energy Services Corporation (CESC) for its SmartLights program; now, therefore be it

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RESOLVED: That the City Administrator or designee is authorized to: 1) accept and appropriate \$666,666.67 from the Reliant Energy Settlement and \$19,409.74 of additional Williams Energy Settlement funds to the City Facilities Energy Conservation Projects Fund (4450); 2) re-appropriate \$1,500,000.00 of Williams Energy Settlement (C256510) funds to the City Facilities Energy Conservation Projects Fund (4450); and 3) recognize and appropriate \$95,020.22 of Solar Power project-related interest and refund revenue to the City Facilities Fund (4400), Electric Services Organization (30529), Solar Power Lease Project (C282110), as described in the agenda report and accompanying attachment hereto; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to accept and appropriate rebates, grants and incentives for energy projects; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 2.04.050.I.5 and 2.04.051.B and based on the findings and recommendations of the City Administrator in the agenda report ~~and supplemental agenda report and attachment~~ accompanying this resolution, the City Council finds and determines that it is in the City's interest to waive the competitive solicitation process of the Purchasing Ordinance and so waives that requirement, and authorizes the City Administrator to award contracts up to and in excess of the City Administrator's purchase authority, and totaling less than \$80,000, to Lawrence Berkeley National Laboratory, Pacific Gas and Electric Company and their affiliates for research to continue developing energy efficient street lighting technology for the City of Oakland, without return to Council; and be it

FURTHER RESOLVED: That pursuant to the Oakland Municipal Code Chapter 2.04, Article 2.04.050.I.5 and 2.04.051.B, the City Council finds and determines that it is in the interest of the City to waive competitive bid and solicitation requirements of the Purchasing Ordinance for reasons detailed in the agenda report ~~and supplemental agenda report and attachment~~ accompanying this resolution, and hereby waives such requirements, and authorizes the City Administrator to award contracts for professional and construction services for life-cycle cost-effective energy efficiency and renewable energy projects in City facilities, up to and in amounts in excess of the City Administrator's purchase authority without returning to the City Council, provided that bids and proposals are solicited from all qualified, Oakland-certified local and small, local businesses for the work; and be it

FURTHER RESOLVED: That pursuant to the Oakland Municipal Code Chapter 2.04, Article 2.04.051.B, the City Council finds and determines that it is in the interest of the City to waive the competitive solicitation requirements of the Purchasing Ordinance based on the findings and recommendations of the City Administrator in the agenda report ~~and supplemental agenda report and attachment~~ accompanying this resolution, and hereby waives such requirements and authorizes the City Administrator to award a contract to ICLEI Local Governments for Sustainability for greenhouse gas emissions assessment and climate action planning in an amount not-to-exceed \$80,000.00; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to expend funds from the Williams Energy Settlement (C256510) within the City Facilities Energy Conservation Projects Fund (4450) to award an \$80,000.00 grant to Rising Sun Energy Center for their CYES program in Oakland, to award a \$35,000.00 grant to Eco Logos to support the launch of a pilot Carbon Credit Card program contingent on verifying that adequate funds are committed by other sources, and to award a \$15,000.00 grant to Community Energy Services Corporation so that it

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can provide additional incentives to Oakland businesses for energy efficiency retrofits through its SmartLights program; and be it

FURTHER RESOLVED: That all grants and professional services contracts authorized herein shall be paid with Williams and Reliant Energy Settlement funds within the City Facilities Energy Conservation Projects Fund (4450); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to transfer funds between departments and projects as necessary to achieve the optimal use of resources; and be it

FURTHER RESOLVED: That the City Administrator is authorized to temporarily allocate funds, as a short-term loan from the City Facilities Energy Conservation Fund (4450), to projects that have committed rebates from PG&E or the State of California, provided that such allocation is limited to the amount of the rebate, and loaned funds will be returned to the City Facilities Energy Conservation Fund (4450) upon receipt of the rebate from PG&E; and be it

FURTHER RESOLVED: That staff will return to the City Council for award of other contracts not listed above that exceed the City Administrator's purchase authority; and be it

FURTHER RESOLVED: That, unless specifically designated above, all grantees and contractors will be bound by all applicable Oakland laws and policies including the Living Wage Ordinance; the Local Employment Program; the 15% Apprenticeship Policy; the Local and Small Business Enterprise Program; the Equal Benefits Ordinance; the Local Construction Employment referral Program and the Disadvantaged Business Enterprise Program; and be it

FURTHER RESOLVED: That all contracts authorized hereunder shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2007, 20

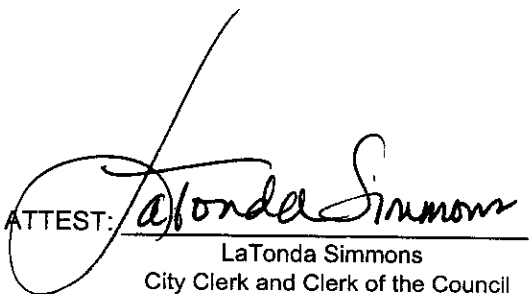
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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