

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND
INTRODUCED BY COUNCILMEMBER

RESOLUTION No. _____

C.M.S.

= 77870 =

REVISED

2003 JUN 11 AM 11:26

REQUIRES TWO-THIRDS VOTE OF THE COUNCIL



RESOLUTION AUTHORIZING AN AGREEMENT WITH THE EAST BAY CONSERVATION CORPS (EBCC) FOR TREE PLANTING AND MAINTENANCE ON THE WEST OAKLAND BAY TRAIL FOR A TOTAL AMOUNT NOT TO EXCEED FORTY-SEVEN THOUSAND TWO HUNDRED DOLLARS (\$47,200)

WHEREAS, the City of Oakland, Public Works Agency has received a grant from the Association of Bay Area Governments (ABAG) in the amount of \$250,000 for the West Oakland Bay Trail Project; and

WHEREAS, the City Council approved the receipt of said grant through City Council Resolution No. 75525 C.M.S. on February 15, 2002; and

WHEREAS, the West Oakland Bay Trail will provide trees to complement the new sidewalk and bicycle facility along the alignment on 3rd St. between Union St. and Brush St.; Brush St. between 2nd St. and 3rd St.; and 2nd St. between Brush St. and Broadway; and

WHEREAS, the activities included in the agreement with the East Bay Conservation Corps will be funded by the Association of Bay Area Government's San Francisco Bay Trail Project, which requires that the City contract with the East Bay Conservation Corps if feasible for the tree planting; and

WHEREAS, the City desires to enter into an agreement with the East Bay Conservation Corps for tree planting and related services including: (1) Planting of 45 trees; (2) Cleaning tree wells; and (3) Tree watering and replacement for three years, provided that the East Bay Conservation Corps obtain any and all contractor's licenses, including a landscape contractor's license, which may be required to conduct this work; and

WHEREAS, the activities included in the contract help meet the City Council budget priorities of Support For Youth by providing a quality training program for at-risk youth, and Clean and Livable Communities by supporting the development of a pedestrian-friendly city; and

WHEREAS, the City will require that preference be given to Oakland residents for employment for the services covered under this contract; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in competitive service; and

WHEREAS, the City may, in its discretion, elect to complete the work or portions of the work required under the agreement with the East Bay Conservation Corps with City Forces to avoid a violation of City of Oakland Charter, Article IX, Section 902(e) or of any City of Oakland labor agreement or labor law and, in such instance, may only be responsible to pay for work already completed, invoiced and approved by the City; now, therefore, be it

RESOLVED: That the City Council finds and determines that it is in the best interests of the City to enter into an agreement with the East Bay Conservation Corps; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to enter into an agreement for with the East Bay Conservation Corps for tree planting and maintenance on the West Oakland Bay Trail for a total amount not to exceed \$47,200; and be it

FURTHER RESOLVED: That the City Manager or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said contract with the exception of those related to an increase in compensation or the allocation of additional funds provided that such amendments or extensions shall be approved by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That this agreement will be made subject to explicit language that provides that the City may, in its discretion, terminate this agreement in the exercise of its option to complete the work with City Forces and may only be responsible to pay for work already completed, invoiced and approved by the City; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 17 2003, 2003

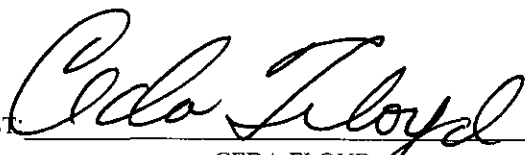
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE — 8

NOES- ∅

ABSENT- ∅

ABSTENTION- ∅

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California