

*Arnold Solt*  
Office of the City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 NOV 29 PM 1:59

OAKLAND CITY COUNCIL

RESOLUTION No. 87457 C.M.S.

**RESOLUTION AMENDING RESOLUTION NUMBER 87041 C.M.S. TO AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO REALLOCATE SALARY SAVINGS IN THE CITY OF OAKLAND'S FIRE PREVENTION BUREAU DURING FISCAL YEAR 2018-2019 TO FUND THE EXISTING PROFESSIONAL SERVICE AGREEMENTS FOR ON-CALL FIRE CODE PLAN REVIEW SERVICES WITH 4LEAF, INC., WEST COAST CODE CONSULTANTS, CSG CONSULTANTS, INC., AND TRB AND ASSOCIATES, INC.**

**WHEREAS**, the City of Oakland has been experiencing a tremendous growth in commercial and residential development; and

**WHEREAS**, the legalization of the full supply chain of the cannabis industry in 2017 has contributed to this development boom with hundreds of cannabis operators simultaneously applying for cannabis permits, which often require plan review to ensure compliance with applicable fire code laws and regulations; and

**WHEREAS**, there are approximately 522 commercial and residential developments, including at least 167 commercial properties with cannabis operations, in need of plan review; and

**WHEREAS**, cannabis operations need to be reviewed and approved Fire Prevention Bureau concerning compliance with the state and local Fire Code and other relevant laws and regulations in the upcoming months to satisfy state statutory deadlines governing the cannabis industry; and

**WHEREAS**, the City of Oakland Fire Department's Fire Prevention Bureau (Fire Prevention Bureau) experienced substantial cuts to their staff in past years; and

**WHEREAS**, understaffing in the Fire Prevention Bureau extends the time required for cannabis and non-cannabis operations to obtain approvals from the Oakland Fire Prevention Bureau and other City departments; and

**WHEREAS**, the Oakland City Council approved the addition of fourteen positions in the Oakland Fire Prevention Bureau during the Fiscal Year 2017-2019 Biennial Budget process, with eight (8) positions in FYI 2017-2018 and an additional six (6) positions in FY 2018-2019; and

**WHEREAS**, six (6) of these positions are currently in the recruitment process as well as two additional vacancies created through normal attrition; and

**WHEREAS**, the City has accrued temporary salary savings through these vacancies; and

**WHEREAS**, to address understaffing in the Bureau of Building and Oakland Fire Prevention Bureau, on February 6, 2018 the Oakland City Council unanimously passed Resolution number 87041 C.M.S. (Resolution 87041), which authorized the City Administrator to execute a Professional Services Agreement for On-Call Plan Check Services for 4Leaf, Inc. and West Coast Code Consultants, Inc., and amend existing Professional Services Agreement Contracts for On-Call Plan Check Services for CSG Consultants, Inc. and TRB + Associates, Inc.; and

**WHEREAS**, Resolution 87041 set the maximum funding amount for each of the agreements mentioned above at \$1.5 million and the fixed the term for each of the four Agreements at two (2) years with three optional two-year extensions; and

**WHEREAS**, Resolution 87041 included a finding that the agreements referenced above shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the Oakland Fire Prevention Bureau desires to utilize temporary salary savings towards these existing Agreements for on-call fire code plan review services in order to complete fire plan review in a reasonable timely manner; and

**WHEREAS**, the City Council finds that funding these Agreements and expediting the plan review of cannabis and non-cannabis operators furthers the City Council's economic development goals; now, therefore be it

**RESOLVED**, that the City Council hereby amends Resolution 87041 to authorize the City Administrator to reallocate one-time salary savings from vacant Fire Prevention Bureau positions during Fiscal Year 2018-2019 to fund the City's professional service agreements for on-call fire code plan review with 4Leaf, Inc., West Coast Code Consultants, Inc., CSG Consultants, Inc., and TRB + Associates, Inc.; and be it

**FURTHER RESOLVED**, that the services provided pursuant to the contract authorized hereunder are for a professional, scientific, or technical nature and are temporary in nature and will not result in the loss of employment or loss of salary by any person having permanent employment status in the competitive service; and be it

**FURTHER RESOLVED**, that the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 11 2018

**PASSED BY THE FOLLOWING VOTE:**


AYES - ~~WILSON~~, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, WASHINGTON, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Parks

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

DATE OF ATTESTATION: December 17 2018