

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 PM 6:00

To: Office of the City Administrator
Attn: Dan Lindheim
From: Police Department
Date: September 15, 2009

Re: A Report and Proposed Resolution Authorizing the City Administrator (1) to Accept and Appropriate Grant Funds In An Amount Not to Exceed Four Hundred Ninety-One Thousand Three Hundred and Five Dollars (\$491,305.00) From the State of California, Office of Traffic Safety, for the Fiscal Year 2010 Implementation of the Vehicle Occupancy Protection and Bicycle Safety Program, and (2) To Appropriate Said Funds to the Police Department; and (3) Authorizing a Waiver of the Competitive Request for Proposal/Qualifications Process For the Purchase of Services Associated with the Program From the East Bay Community Recovery Project in an Amount Not to Exceed Fifty Thousand Dollars (\$50,000.00), and the Community Health Academy in an Amount Not to Exceed Fifteen Thousand Dollars (\$15,000.00)

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate grant funds in an amount not to exceed \$491,305 from the State of California, Office of Traffic Safety, for the fiscal year 2010 implementation of the Vehicle Occupancy Protection and Bicycle Traffic Safety Program. The proposed program period is October 1, 2009 through September 30, 2010. The funds will be used to provide vehicle occupancy protection (car seats), bicycle traffic safety equipment, pedestrian safety services, and informational forums to reduce the number of persons killed and injured in traffic collisions in the City of Oakland.

FISCAL IMPACT

It is anticipated that the State of California, Office of Traffic Safety, shall approve the Police Department's vehicle occupancy protection and bicycle traffic safety application and award the City of Oakland up to \$491,305 in state grant funds. Revenues and appropriations will be allocated in the State of California Grant Fund (2999), Strategic Area Command Division Org. (107510), Traffic Operations Program (PS14), in a Project to be determined. There is no match requirement. Expense allocations are as follows:

Item: _____
Public Safety Comte.
September 15, 2009

Description and Use of Funds	Amount
Police Services Technician (Overtime for Prg. Coordination and Outreach)	\$19,282
Neighborhood Services Coordinator (Overtime for Community Education)	\$17,449
Ten (10) Crossing Guards (Part- Time) (\$17,355/yr/ea x 10/crossing guards – Salary Only)	\$173,550
Personnel Subtotal:	\$210,281
Office of Parks and Recreation (Multiple Bicycle Safety Projects)	\$80,500
Department of Human Services (Multiple Bicycle and Car Seat Safety Projects)	\$14,000
KTOP (Public Service Announcements and Airtime)	\$49,024
Collaborative City-Agency Agreements Subtotal:	\$143,524
Bicycle and Child Passenger Safety Education: (Contracts for Service)	\$50,000
East Bay Community Recovery Project	\$15,000
Contracts Subtotal:	\$65,000
Travel	\$2,500
Infant/Child Safety Seats and Booster Seats	\$15,000
Child Safety Seat Check-Up Supplies	\$8,000
Bicycle Safety/Repair Tool Kits/Helmets	\$23,000

Item: _____
 Public Safety Comte.
 September 15, 2009

Educational Materials and Presentation Supplies and Promotional Materials	\$20,000
Computer Equipment	\$4,000
Operating Expenses SubTotal:	\$72,500
GRAND TOTAL:	\$491,305

Central Services Overhead (CSO) charges associated with the \$210,281 for salary and wages equals \$28,682, based on a 13.64% calculation rate. However, the granting agency specifically disallows CSO charges. Therefore, the Department requests a waiver for applicable Central Services Overhead charges.

BACKGROUND

Traffic safety, inclusive of vehicle occupancy protection, bicycle traffic safety, and pedestrian safety is one of the top three concerns of neighborhoods throughout Oakland. Police personnel assigned to the Traffic Enforcement Unit respond to accidents; focus on traffic concerns at hazardous intersections; respond to citizen complaints; participate in traffic awareness presentations to local groups, and conduct general traffic enforcement activities. The Traffic Enforcement Unit works in conjunction with the Police Service Area commanders and the Crime Prevention Teams (CRTs) to address these quality of life issues by saturating locations plagued by unsafe traffic conditions and/or impaired or unlawful drivers.

KEY ISSUES AND IMPACTS

Bicycle Traffic Safety

The City of Oakland, like much of Alameda County, is well-suited for accommodating bicycles as transportation, for it has long, dry summers and is relatively flat for most of its urbanized areas. These two conditions, along with California's general interest in outdoor sports and the environment, combine to make bicycling one of the most popular outdoor recreational activities throughout our jurisdiction. Young and old alike have many personal reasons for bicycling, including: a) it offers an inexpensive mode of travel; b) it reduces travel time compared to walking or where parking is scarce; c) it provides door-to-door access, and d) it provides cardiovascular fitness. Further, relative to environmental concerns, bicycling reduces air pollution, decreases reliance on petroleum products, decreases noise pollution from automobiles, and is an energy-efficient mode of transportation.

Item: _____
Public Safety Comte.
September 15, 2009

Fatal and injurious collisions involving children and youth under the age of 16 is a real and severe problem in Oakland. Oakland ranks second in the nation for the number of reported bicycle collisions involving children less than 16 years of age. In Oakland, bicyclists age 15 to 24 accounted for more than 30% of all bicyclists injured and killed in 2007. Teens and young adults also have a notoriously low rate of helmet use. Based on a helmet survey conducted by Oakland's Department of Human Services, teens and young adults age 13-24 years who were observed had a helmet use rate of only 18 percent, indicating a need to continue helmet distribution efforts for this age range throughout Oakland.

California law requires youth under the age of 18 to wear a helmet while riding a bicycle. In 2003, the law was expanded to include scooters, skates, and skateboards (Vehicle Code, Section 21212). Many children riding their non-motorized bikes, skates, scooters, and skateboards are less protected due to the inability to afford a safety helmet. Many parents are likewise unaware of the California State Law and its fine(s) related to the commission of these infractions.

Based upon the above-referenced data, Oakland needs programs which are focused on increasing safety awareness and on-road skills training for cyclists. To balance this effort of educating cyclists, Oakland will greatly benefit from an awareness campaign for motorists to improve safe driving behavior around other road users such as cyclists.

Through enactment of the proposed initiative, the Oakland Police Department (OPD), in collaboration with a host of other municipal, County, school district, and community-based organizations, will improve bicycle safety through education, and enforcement, and will:

- Identify primary bicycle accident types, locations and ages of individuals involved in the bicycle accidents through periodic review of the Statewide Integrated Traffic Record System (SWITRS) and determine measures to mitigate these collisions.
- Implement proactive programs to identify and eliminate obstacles to bicycle operation, including maintenance.
- Encourage bicycle safety education programs, including media-based programs, targeted at adult cyclists, elementary school students, middle and high school students, motorists, and the general public.

Item: _____
Public Safety Comte.
September 15, 2009

Child Passenger Seat Safety

Child safety seat inspections conducted by the OPD during fiscal year 2007/2008 have shown that more than 80% of all child safety seats are improperly installed. Further, 20% of all child safety seats inspected and currently in use are either outdated or were previously recalled by the manufacturer(s).

The public's lack of general use and proper installation of child safety seats is an ongoing concern of both public safety professionals and child service providers throughout Oakland. Nationally, during calendar year 2007, more than 7,500 vehicle occupants under age 15 were involved in fatal automobile crashes. For child occupants where restraint use was known, more than 35% were unrestrained; among those who were fatally injured, more than 50% were unrestrained.

An awareness gap exists when it comes to child passenger safety:

- While 96% of parents and caregivers surveyed believe their child safety seats are installed correctly, research shows that seven out of 10 children are improperly restrained.
 - Using a booster seat is 60% safer for kids than being restrained by a seatbelt alone. However, nearly 70% of drivers believe it is safe for children age eight or under to no longer be secured in a child safety seat or booster seat.
 - Only 21% of children age four to eight are "at least on occasion" riding in a booster seat while traveling in a passenger vehicle.
 - Children of all ages are safest when properly restrained in the back seat. Yet, six out of 10 drivers of children ages 12 or under believe it is safe for children age 12 or under to sit in the front seat in front of a passenger air bag.
- √ More than one in ten children under 80 pounds are completely unrestrained when riding in vehicles.
- √ The most common child safety seat installation mistakes are:
- ▶ Not using the right child safety seat for a child's size and age
 - ▶ Not placing the child safety seat in the correct direction
 - ▶ Incorrect installation of the child safety seat in relation to the vehicle's air bags
 - ▶ Incorrect installation and tightness of the child safety seat relative to the vehicle seat

Item: _____
Public Safety Comte.
September 15, 2009

- ▶ Not securing or tightening the child safety seat's harness and crotch straps
- ▶ Improper use of locking clips for certain vehicle safety belts
- ▶ Not making sure the vehicle's seatbelts fit properly when using a booster seat
- ▶ Using a defective or broken child safety seat.

Pedestrian Safety

California Vehicle Code Section 467(a) defines a "pedestrian" as any person who is on foot or who is using a means of conveyance propelled by human power other than a bicycle.

"Pedestrian" includes any person who is operating a self-propelled wheelchair, invalid tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as specified in subdivision (a). The City of Oakland is committed to walking as a form of transportation and recreation that is safe, accessible, healthy, and affordable for all citizens. Every Oaklander is a pedestrian at some point during the day. We all walk with or without mobility aids; whether to school, a transit stop, to a parked car, to work, or for exercise. The City also recognizes the value of walking to promote environmental sustainability and the commercial vitality of our downtown and neighborhood districts.

As reported within California's Pedestrian Danger Index, Oakland ranks 29th among 58 California cities / counties with regard to the dangers of pedestrian safety. Statistical evidence as reported for calendar year 2001 shows that Oakland experienced 13 pedestrian fatalities and 321 pedestrian injuries, with a pedestrian traffic incident rate of 81.7%, along with a Pedestrian Exposure Index of 3.7.

On average, pedestrian/vehicle collisions occur every day in Oakland. Over three-quarters of those collisions result in pedestrian injuries - and sometimes death. Thirty-six (36) fatal pedestrian collisions occurred between 1996 and 2000 in our City. Most pedestrian/vehicle collisions occur near schools, senior citizen facilities, near downtown, in Chinatown, and along arterial streets. By age, children and seniors have the highest rates of pedestrian fatalities in Oakland. Through surveys and other forms of outreach, citizens identified hundreds of areas of concerns for pedestrian safety, noting in particular the danger of crossing streets with two or more lanes in each direction, and the safety of children walking to-and-from school.

The Oakland Police Department's proposed project provides targeted solutions to these pedestrian safety problems, with emphasis placed upon the safety of children and senior citizens. Currently, the Oakland Police Department positions Crossing Guards at a total of 38 elementary schools and one senior citizen facility throughout the City. Through enactment of the proposed initiative, an additional 20 elementary schools, four middle schools, and 10 senior citizen facilities would be serviced. Further, in collaboration with the City's Traffic Engineering

Item: _____
Public Safety Comte.
September 15, 2009

Division, enhanced street signals and signage will be utilized to further assist both pedestrians and motorists in high traffic areas surrounding school zones and senior citizen facilities.

These solutions promote Oakland as a walkable city for sustainability, equity, vitality, and health - especially for children and seniors; helping to ensure that youths and senior citizens, among others, are afforded safe routes - through streets and walkways that connect to schools and senior citizen facilities throughout Oakland.

Justification for Waiver of RFP/RFO for Contractual Services

The proposed contractual agreements with both the East Bay Community Recovery Project and the Community Health Academy were detailed by the Police Department within the context of the original proposal submission to the State of California, Office of Traffic Safety, for the Vehicle Occupancy Protection and Bicycle Safety grant program. In order for the OPD to be guaranteed receipt of the full grant award amount of \$491,305.00, OPD is mandated to enter into contractual agreement with both the East Bay Community Recovery Project and Community Health Academy based upon the Police Department's stipulations within the original proposal submission to utilize the services of these two agencies. Therefore, a waiver of the request for proposal/qualifications process for the contracts with the East Bay Community Recovery Project and the Community Health Academy would be in the best interest of the City.

Both the East Bay Community Recovery Project and the Community Health Academy have successful track records relative to the issues of public safety and youth violence prevention and intervention services within Oakland. In 2008, when the Police Department received its first bicycle/car seat grant from the State of California, both the East Bay Community Recovery Project and the Community Health Academy worked collaboratively with OPD to educate the public regarding vital traffic safety issues. To this extent the Department seeks to further our relationship with both of these agencies through the current initiative on a paid, contractual basis.

PROGRAM DESCRIPTION

Through enactment of the proposed Vehicle Occupancy Protection and Bicycle Traffic Safety Program, the Police Department, in collaboration with Oakland's Office of Parks and Recreation, the Department of Human Services, KTOP, and a host of other community-based organizations and the Oakland Unified School District personnel, will address issues of bicycle traffic safety, child passenger seat safety, and pedestrian safety through the implementation of educational and

informational forums, as well as equipment give-aways to Oakland residents. Key program deliverables include:

- Distribution of up to 3,000 bicycle safety helmets
- Distribution of up to 500 "Earn Your Bike" safety kits and bike program instruction

Item: _____
Public Safety Comte.
September 15, 2009

- Bicycle education classes for up to 4,000 individuals
- Education of up to 3,000 adults on bicycle and pedestrian safety rules and laws
- Implementation of bicycle and pedestrian safety educational rodeos
- Implementation of the Pedestrian Safety Education Summer Day Camp course(s) for up to 100 youths
- Development and dissemination of localized promotional materials and public service announcements which promote car seat, bicycle, and pedestrian safety.

SUSTAINABLE OPPORTUNITIES

Economic

Traffic problems negatively impact property value and business opportunities. Efforts to address these problems will lead to improvements of these public safety issues.

Environmental

There are no environmental issues associated with this report.

Equity

The services provided by the Police Department's participation in the Vehicle Occupancy Protection and Bicycle Traffic Safety Program will assist the community through improved police services and enhanced police-community relations.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

RECOMMENDATION

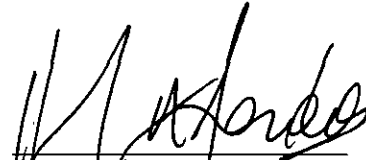
The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$491,305 from the State of California, Office of Traffic Safety, appropriate said funds to the Police Department, and authorize a waiver of the competitive Request for Proposal/Qualifications process for the purchase of services associated with the project from East Bay Community Recovery Project and Community Health Academy.

Item: _____
Public Safety Comte.
September 15, 2009

ACTION REQUESTED BY THE CITY COUNCIL

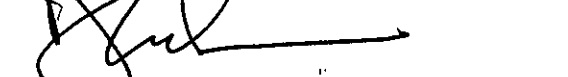
Staff recommends that the City Council approve the resolution.

Respectfully submitted,


Howard Jordan
Acting Chief of Police

Prepared by: Stacey Perry
Police Services Technician
Bureau of Field Operations
And
Candice Jessie
Budget and Grants Administrator
Office of the Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

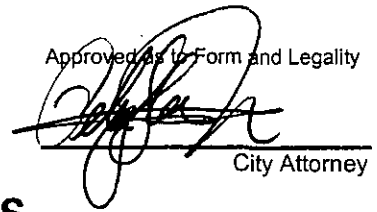

Office of the City Administrator

Item: _____
Public Safety Comte.
September 15, 2009

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OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2009 SEP -3 PM 6:00 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR (1) TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY-ONE THOUSAND THREE HUNDRED AND FIVE DOLLARS (\$491,305.00) FROM THE STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY, FOR THE FISCAL YEAR 2010 IMPLEMENTATION OF THE VEHICLE OCCUPANCY PROTECTION AND BICYCLE SAFETY PROGRAM, AND (2) TO APPROPRIATE SAID FUNDS TO THE POLICE DEPARTMENT; AND (3) AUTHORIZING A WAIVER OF THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS FOR THE PURCHASE OF SERVICES ASSOCIATED WITH THE PROGRAM FROM THE EAST BAY COMMUNITY RECOVERY PROJECT IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00), AND THE COMMUNITY HEALTH ACADEMY IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)

WHEREAS, it is anticipated that the Police Department shall be awarded grant funds in an amount not to exceed \$491,305 from the State of California, Office of Traffic Safety for the fiscal year 2010 implementation of the Vehicle Occupancy Protection and Bicycle Traffic Safety program; and

WHEREAS, the Vehicle Occupancy Protection and Bicycle Traffic Safety program is geared toward focusing public attention on seatbelt, bicycle, and pedestrian safety information; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 81221 C.M.S. dated April 15, 2008; and

WHEREAS, Oakland Municipal Code Sections 2.04.051.A and 2.04.040.B require staff to conduct some type of advertising and solicitation processes to be determined by the City Administrator for the purchase of professional services; and

WHEREAS, Oakland Municipal Code Section 2.04.051.B authorizes the City Council to waive requests for proposal/qualification processes upon a finding that it is in the best interests of the City to do so; and

WHEREAS, The proposed contractual agreements with both the East Bay Community Recovery Project and the Community Health Academy were detailed by the Police Department within the context of the original proposal submission to the State of California, Office of Traffic Safety, for the Vehicle Occupancy Protection and Bicycle Safety grant program. In order for

OPD to be guaranteed receipt of the full grant award amount of \$491,305.00 the City is mandated to enter into contractual agreement with both the East Bay Community Recovery Project and Community Health Academy based upon the stipulations within the original proposal submission to utilize the services of said agencies.

WHEREAS, the above-described professional services agreement are otherwise within the City Administrator's purchasing authority under Oakland Municipal Code Section 2.04.020.A, provided the request for proposal/qualification waivers are granted; and

WHEREAS, the Police Department requests a waiver of the competitive request for proposal/qualifications process for the purchase of professional services from the East Bay Community Recovery Project in the amount of \$50,000, and the Community Health Academy in the amount of \$15,000 for provision of services necessary to carry out the purposes of the Vehicle Occupancy Protection and Bicycle Traffic Safety program; and

WHEREAS, the City Administrator has determined that the services provided pursuant to said agreements with the East Bay Community Recovery Project and the Community Health Academy are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Administrator has determined that said agreements shall not result in a loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

WHEREAS, acceptance of the Vehicle Occupancy Protection and Bicycle Traffic Safety program will enable the Police Department to work in collaboration with Oakland's Office of Parks and Recreation, the Department of Human Services, KTOP, and a host of community-based organizations and the Oakland Unified School District to address the issues of bicycle traffic safety, child passenger seat safety, and pedestrian safety throughout the City of Oakland; and

WHEREAS, the grant does not cover Central Services Overhead charges in the amount of \$28,682 (based on a calculation rate of 13.64% for salary and wages of \$210,281), and the Department requests a waiver of said charges; now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to accept and appropriate grant funds in the amount of \$491,305.00 from the State of California, Office of Traffic Safety, and to increase revenues and appropriate said funds to the Police Department; and be it

FURTHER RESOLVED: That the grant monies shall be maintained in the State of California Grant Fund (2999), Strategic Area Command Division Org. (107510), Traffic Operations Program (PS14), in a Project be determined; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B and based on the reasons set forth in the City Administrator's agenda report accompanying this resolution, the City Council hereby finds and determines that it is in the best interests of the City

to waive the competitive request for proposal/ qualifications process for the purchase of services from the East Bay Community Recovery Project and the Community Health Academy relative to the delivery of vehicle occupancy, bicycle safety, and pedestrian safety services, and authorizes the City Administrator, or his designee, to waive the requirement; and, be it

FURTHER RESOLVED: That the City Council finds and determines based on the above determinations of the City Administrator, that the services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical and temporary nature, and shall not result in a loss of employment or salary by any person having permanent status in the competitive service process; and be it

FURTHER RESOLVED: That the City Central Services Overhead costs of \$28,682 (13.64%) are hereby waived; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator as agent of the City, to conduct all negotiations and related actions and to sign all applications and agreements that may be necessary for the completion of the aforementioned grant; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said agreements as to form and legality and copies of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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