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OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY 29 AM 9:46

## AGENDA REPORT

**TO:** FRED BLACKWELL  
CITY ADMINISTRATOR

**FROM:** David McPherson  
Tax & Revenue Administrator

**SUBJECT:** First Amendment to the Agreement  
with Progressive Solutions Inc.

**DATE:** April 23, 2014

City Administrator  
Approval

Date

5/27/14

**COUNCIL DISTRICT:** City-Wide

### RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution waiving the request for proposals ("RFP") competitive selection advertising and competitive bidding requirements, and authorizing the City Administrator to (i) amend the Agreement with Progressive Solutions Inc. ("PSI"), by increasing the Agreement compensation by one million, six hundred eleven thousand, ten dollars (\$1,611,010) for a total amount not to exceed two million, two hundred twenty-eight thousand, ten dollars (\$2,228,010); for system maintenance and support services, hardware (new and replacement), training/payment card certificates, forms, letters and mailings, and webhosting services; and (ii) executing one optional annual extension for Fiscal Year 2014-15 with one remaining optional annual extension in an amount not to exceed three hundred thirty-eight thousand, nine hundred sixty-three dollars (\$338,963) for Fiscal Year 2015-16.

### OUTCOME

Adoption of the attached Resolution will (i) true-up contractual and fiscal authority, and (ii) ensure there is sufficient contractual authority to manage fiscal responsibilities associated with the City's automated local tax system software.

### BACKGROUND/LEGISLATIVE HISTORY

On July 18, 2006, the City Council approved Resolution No. 80045, authorizing the City Administrator to enter into a negotiated Agreement with Progressive Solutions Inc., in an amount not to exceed \$617,000, for an Automated Local Tax System (business tax) software application, and maintenance and support services for a period of three years after implementation.<sup>1</sup> An

<sup>1</sup> Resolution No. 80045, Resolution authorizing the City Administrator to waive competitive bidding and enter into a negotiated contract with Progressive Solutions, Inc. for an Automated Local Tax System and maintenance and support services for a period of three years in an amount not to exceed six hundred seventeen thousand dollars (\$617,000).

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Agreement for License of Software, Purchase of Equipment, Information Technology Services, and Maintenance and Support Services between the City of Oakland and Progressive Solutions, Inc. ("Agreement") was executed on May 17, 2007, and was implemented in Fiscal Year 2007-08.

On October 4, 2011, the City Council approved Resolution No. 83574, authorizing the City Administrator to extend the term of the Agreement for a period of three years in an amount not to exceed \$100,000 per year, with two optional annual extensions for an amount not to exceed 10% of the prior year's maintenance and support services cost.<sup>2</sup> Finally, with the adoption of the Fiscal Years 2013-15 operating budget, the City Council approved funding in a total amount of \$192,000 (\$176,000 in FY14 and \$16,000 in FY15) for the implementation of an on-line business license renewal system through PSI.

Oakland Municipal Code ("OMC") Section 2.04.050 requires advertising and competitive bidding when the City purchases services, supplies or a combination thereof, required by the City, and which exceeds a cost of fifty thousand dollars (\$50,000.00). However, OMC Section 2.04.050.I.5 authorizes the Council to waive these advertising and competitive bidding requirements upon a finding that it is in the best interests of the City to do so. Staff recommends that the Council make such a finding and authorize the City Administrator to waive the advertising and competitive bidding and enter into a First Amendment to the Agreement with Progressive Solutions Inc. The City thoroughly conducted a competitive Request for Proposal/Qualifications selection process in 2006 and the current requested Council action is simply permission to extend the existing Agreement as previously authorized by the Council in Resolution 83574. Staff will be conducting a Request for Proposal for an automated local tax system in 2015.

### **ANALYSIS**

The original Agreement for an amount not to exceed \$617,000 was executed on May 17, 2007. Staff returned to Council in July 2011 to extend the maintenance and support term of the Agreement three fiscal years in an amount not to exceed \$100,000 per fiscal year, with two optional fiscal year renewals with 10% escalators applied to each executed optional renewal. To date, neither of the optional renewals has been exercised. Furthermore, the adopted Fiscal Year 2013-15 operating budget contains authorized funding for a business tax online renewal system. Accordingly, the total amount authorized by Council is reflected in Table 1.

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<sup>2</sup> Resolution No. 83574, Resolution authorizing the City Administrator to extend the term of the current contract with Progressive Solutions Inc., for an Automated Local Tax System software maintenance and support services for a period of three years in an annual amount not to exceed \$100,000 per year with two optional annual extensions for an amount not to exceed 10% of the prior year's maintenance and support cost.

Table 1

**Council Authorized Spending Authority**

Resolution 80045, Purchase & Installation	
Purchase of software suite	\$ 488,000
Maintenance costs FY0809	\$ 17,000
Maintenance costs FY0910	\$ 53,300
Maintenance costs FY1011	\$ 58,700
Reso 80045 Subtotal	\$ 617,000
Resolution 83574, Extension of Maintenance Services	
Maintenance costs FY1112	\$ 100,000
Maintenance costs FY1213	\$ 100,000
Maintenance costs FY1314	\$ 100,000
Maintenance costs FY1415, Optional renewal	\$ 110,000
Maintenance costs FY1516, Optional renewal	\$ 121,000
Reso 83574 Subtotal	\$ 531,000
Fiscal Year 2013-15 Operating Budget	
Implementation of online renewal system FY 1314	\$ 176,000
O&M for online renewal system FY1415	\$ 16,000
FY13-15 Additional SOW	\$ 192,000
<b>Total Spending Authority</b>	<b>\$ 1,340,000</b>

Although staff received Council approval in 2011 to extend the term of the maintenance and support services scope of work, a First Amendment to the Agreement with PSI was not executed; nor was an Amendment executed with PSI after Council adopted the FY 2013-15 operating budget which authorized funding to expand the contracted scope of work to include an online business tax renewal system. Therefore, while the Council actions established spending authority through Fiscal Year 2015-16, in a total amount not to exceed \$1,340,000, there is no contractual authority between the City and PSI in excess of the original contracted amount (\$617,000) and scope of work. Furthermore, since implementation of the original Agreement, the scope of work has expanded to include, not only the online renewal system, but also printing and mailing of associated forms, letters and certificates, replacement hardware and necessary training and PCI compliance services. Finally, upon reviewing the expenditures against the Agreement, it was noted that expenditures have exceeded spending authority from FY2007-08 through FY2013-14 by approximately \$755,635 and exceeded contract authority for the same period by \$1,231,635.

Accordingly, there is a need to execute a First Amendment to the Agreement in the amount of (i) \$1,611,01, for a total Agreement amount not to exceed \$2,228,010, in accordance with Table 2; and (ii) amend the scope of work (attached hereto as Attachment A) to include maintenance, forms, letters, certificates and mailing, the Web applications and support (business tax online

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system), a contingency for replacement hardware, and training and PCI compliance services;  
 (iii) exercise one (of two) optional annual extension, for July 1, 2014 through June 30, 2015.

Table 2

**Progressive Solutions INC, Expenditures, Fiscal Years 2008-2015**

	Maintenance	Business Tax Certificates/ Forms/ Posting	Hardware Contingency	WEB Applications /Support	Training/ PCI Compliance	FY Totals
FY 2008 (actual)	\$ -	\$ -	\$ 7,950	\$ 417,773	\$ 1,410	\$ 427,134
FY 2009 (actual)	\$ 78,190	\$ 67,473	\$ 8,286	\$ 63,900	\$ 245	\$ 218,094
FY 2010 (actual)	\$ 64,390	\$ 82,458	\$ 3,918	\$ 14,950	\$ -	\$ 165,716
FY 2011 (actual)	\$ 72,400	\$ 149,455	\$ 952	\$ 55,886	\$ 9,709	\$ 288,401
FY 2012 (actual)	\$ 79,237	\$ 53,406	\$ 6,961	\$ 82,500	\$ -	\$ 222,104
FY 2013 (actual)	\$ 94,709	\$ 60,028	\$ 4,871	\$ 8,814	\$ 5,700	\$ 174,122
FY 2014 (planned)	\$ 100,000	\$ 75,000	\$ 2,064	\$ 176,000	\$ -	\$ 353,064
FY 2015 (planned)	\$ 143,000	\$ 75,000	\$ 59,000	\$ 42,000	\$ 60,100	\$ 379,375
					<b>Total</b>	<b>\$ 2,228,010</b>
					Less Original	
					Agreement	\$ (617,000)
					<b>Amendment</b>	<b>\$ 1,611,010</b>

**PUBLIC OUTREACH/INTEREST**

This item does not require any additional public outreach.

**COORDINATION**

This item was prepared in coordination with the City Attorney and the Finance Department.

**COST SUMMARY/IMPLICATIONS**

Staff is requesting that Council authorize a First Amendment to the Agreement in the amount of \$1,611,010, increasing total compensation to an amount not to exceed \$2,228,010 through Fiscal Year 2015. As noted in Table 3, the Amendment includes a \$1,009,010 true-up of fiscal authority.

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**Table 3 Agreement True-up by Fiscal Year**

	Authorized Fiscal Authority	Expenses (planned & actual)	True-up
FYs 2008-2011	\$ 617,000	\$ 1,099,345	\$ 482,345
FY 2012	\$ 100,000	\$ 222,104	\$ 122,104
FY 2013	\$ 100,000	\$ 174,122	\$ 74,122
	<b>True-up Subtotal Previous Fiscal Years</b>		<b>\$ 678,571</b>
FY 2014	\$ 276,000	\$ 353,064	\$ 77,064
FY 2015	\$ 126,000	\$ 379,375	\$ 253,375

Total Authorized Fiscal Authority FY 2008-2011 **\$ 1,219,000**

Total Expenses (planned & actual) FY 2008-2015 **\$ 2,288,910**

Total Agreement True-up **\$ 1,009,010**

As detailed in Table 4, the fiscal impact of the remainder of the Fiscal Year 2013-14 is \$7,418 (\$327 maintenance + \$7,091 forms) and funds in that amount are available in the Finance Department, General Purpose Fund (1010), Revenue Management Bureau, Business Tax Customer Service Unit (08431). The remaining \$63,538 (Online business tax project) is for completion of implementation of the Business Tax online project and funds are available in General Purpose Fund (1010), Business Tax Customer Service Unit (08431), Account (54919), Project (A468510), Program (IP59).

**Table 4 FY 2013-14 Actual Expenditures**

	Actual	Planned	Remaining
Maintenance	\$ 99,673	\$ 100,000	\$ 327
Forms, Letter & Certificates	\$ 67,909	\$ 75,000	\$ 7,091
Hardware	\$ 2,064	\$ 2,064	\$ -
Online Business Tax Project (Encumbered)	\$ 112,463	\$ 176,000	\$ 63,538
Training & PCI Compliance	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 282,109</b>	<b>\$ 353,064</b>	<b>\$ 70,955</b>

**SUSTAINABLE OPPORTUNITIES**

*Economic:* No direct economic opportunities have been identified.

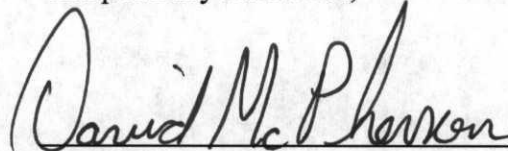
*Environmental:* No direct environmental opportunities have been identified.

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*Social Equity:* No social equity opportunities have been identified.

For questions regarding this report, please contact David McPherson, Revenue and Tax Administrator, at 510-238-6650.

Respectfully submitted,

A handwritten signature in black ink, reading "David McPherson". The signature is fluid and cursive, with the first name "David" and last name "McPherson" clearly legible.

David McPherson  
Revenue & Tax Administrator  
Revenue Management Bureau

Prepared by:  
Margaret O'Brien, Principal Revenue Analyst  
Revenue Management Bureau

Attachments – Progressive Solutions Inc. original and amended scopes of work.



### Licensed Software

Progressive Solutions, Inc. (PSI) warranty for the modules listed below is fully expressed in the Exhibit B: Software License & Exhibit C: Software Maintenance Agreements. The deliverables are:

<i>PSI Software Licenses</i>	<i>License Fee</i>
<i>LicenseTrack™ – 50 User License</i>	<i>\$150,000</i>
<i>LicenseTrack-Right to create permits- 7</i>	<i>\$21,000</i>
<i>RevenueTrack™ – 50 User License</i>	<i>\$100,000</i>

PSI's standard pricing model for support service is an annual fee which equals 20% of software license & development fees (given acceptance of our standard support pricing terms).

### Support Services

Progressive Solutions, Inc. (PSI) Support Services for the items listed below is fully expressed in Exhibit C: Software Maintenance Agreements

<i>PSI Software Maintenance Items</i>	<i>Support Fee</i>
<i>LicenseTrack™ (50 User License)</i>	<i>\$30,000</i>
<i>LicenseTrack™ -Right to create permits (7)</i>	<i>Included</i>
<i>LT-Interfaces (4)</i>	<i>Included</i>
<i>Collections System (ACS)</i>	<i>Included</i>
<i>RevenueTrack™ – 50 User License</i>	<i>\$20,000</i>
<i>RT-Interfaces – (4)</i>	<i>Included</i>
<i>Active – POS Interface</i>	<i>\$2,000</i>
<i>Total Support</i>	<i>\$52,000</i>

### Scope of Work

First Amendment to the Agreement with Progressive Solutions, Inc.  
Amending the License of Software, Purchase of Equipment,  
Information Technology Services, and for Maintenance and  
Support Services, between the City of Oakland and  
Progressive Solutions Inc., Date May 17, 2007 to include

Amending page 72 of Exhibit A: Statement of Work to include:

#### ADDITIONAL LICENSED SOFTWARE

Web Renewals, Applications and Business Lookup (25 concurrent user license- not enforced)	\$	149,950
QuickServe™ Kiosks (Hardware & Software- 3 Units)	\$	49,000

Striking in its entirety and Amending Support Services identified on page 72  
of Exhibit A: Statement of Work as follows:

#### ANNUAL SUPPORT SERVICES

	Not to Exceed
Mail Services* (Design, Printing, Inserting, Stuffing notices, affixing postage and delivery to USPS for annual renewals and tax certifications per Quote	\$ 75,000
Software Maintenance (includes upgrades)	\$ 100,000
<i>Collections Track™</i> (ACS)	
<i>License Track™</i>	
<i>License Track™</i> (7 Permits)	
<i>Payment Central™</i> (3 Registers)	
<i>QuickServe™</i> (8 Interfaces)	
<i>RevenueTrack™</i>	
Change Orders 4-6	
Document Scanner Integration	\$ 1,000
Field Unit Integration (2 Units)	\$ 1,275
Application Programming Interface	\$ 6,000
<i>QuickServe™</i> Kiosks	\$ 5,000
Web Software Maintenance (includes Upgrades)	\$ 30,000
<i>License Track™</i> Renewals Module**	
<i>License Track™</i> Applications Module	
<i>License Track™</i> Business Lookups Module	
Web Hosting of Above Web Software (PSI staff to respond to customer calls and emails initiated from PSI offered web services; Customer email address required) Includes initial set-up and annual SSL Fee	\$ 42,000
<b>Total Annual Support Services</b>	<b>\$ 260,275</b>

#### HARDWARE PERIPHERALS

Contingency for document scanners, barcode readers, barcode fonts, new technology, etc.	\$ 10,000
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#### OPTIONAL SUPPORT SERVICES

Hardware Maintenance	
Kiosk trouble shooting & repair (includes parts)	\$ 4,900
Document scanner troubleshooting (time and materials- parts/replacement units not included)	\$ 5,000
Lockbox modifications (to accommodate new bank vendor)	\$ 9,560
Contingency for Industry Audits	\$ 20,000
Training/ User Conference (Estimate)	\$ 9,000
Contingency for unforeseen conditions and new software	\$ 11,540

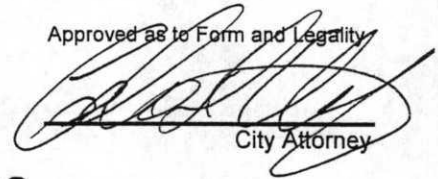
\* Postage not included

\*\*This support rate assumes using the existing Authorize net gateway integration with Chase Bank.

Attachment A



**OAKLAND CITY COUNCIL**

  
City Attorney

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**RESOLUTION No. \_\_\_\_\_ C.M.S.**

**RESOLUTION WAIVING REQUEST FOR PROPOSALS ("RFP"), COMPETITIVE SELECTION ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR TO: (i) AMEND THE AGREEMENT WITH PROGRESSIVE SOLUTIONS, INC., BY INCREASING THE AGREEMENT COMPENSATION BY ONE MILLION, SIX HUNDRED ELEVEN THOUSAND, TEN DOLLARS (\$1,611,010) FOR A TOTAL AMOUNT NOT TO EXCEED TWO MILLION, TWO HUNDRED TWENTY-EIGHT THOUSAND, TEN DOLLARS (\$2,228,010); FOR SYSTEM MAINTENANCE AND SUPPORT SERVICES, HARDWARE (NEW AND REPLACEMENT), TRAINING/PAYMENT CARD SECURITY COMPLIANCE SERVICES ("PCI COMPLIANCE"), CERTIFICATES, FORMS, LETTERS AND MAILING, AND WEBHOSTING SERVICES; AND (ii) EXECUTING ONE OPTIONAL ANNUAL EXTENSION FOR FISCAL YEAR 2014-15 WITH ONE REMAINING OPTIONAL ANNUAL EXTENSION IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-EIGHT THOUSAND, NINE HUNDRED SIXTY-THREE DOLLARS (\$338,963) FOR FISCAL YEAR 2015-16.**

**WHEREAS**, on July 18, 2006, the City Council approved Resolution No. 80045 authorizing the City Administrator to enter into a negotiated Contract with Progressive Solutions Inc. ("PSI"), for an automated local tax system software, and maintenance and support services for a period of three years, in an amount not to exceed six hundred seventeen thousand dollars (\$617,000); and

**WHEREAS**, on May 17, 2007, the City executed an Agreement for License of Software, Purchase of Equipment, Information Technology Services, and for Maintenance and Support Services ("Agreement") with Progressive Solutions, Inc.; and

**WHEREAS**, on October 4, 2011, the City Council approved Resolution No. 83574, authorizing the City Administrator to extend the term of the Agreement for a period of three years in an amount not to exceed one hundred thousand dollars (\$100,000) per year, with two optional annual extensions for an amount not to exceed ten percent (10%) of the prior year's maintenance and support services cost; and

**WHEREAS**, at the June 27, 2013 special meeting of the Oakland City Council, the Council approved Resolution 84466 adopting the FY2013-15 Policy Budget ("Budget") and, as part of the Budget, appropriated funds in the amount of one hundred seventy-six thousand dollars (\$176,000) in FY2013-14 and sixteen thousand dollars (\$16,000) in FY2014-15 for an online business tax renewal software application; and

**WHEREAS**, a First Amendment to the Agreement was not executed with the approval of

either Resolution No. 83574 in 2011 or Resolution No.84466 in 2013, and the original Agreement expired on June 30, 2010; and

**WHEREAS**, while the Council actions established spending authority in a total amount not to exceed one million, three hundred forty thousand dollars (\$1,340,000) through FY2015-16, there is no contractual authority between the City and PSI in excess of the original contracted amount of six hundred seventeen thousand dollars (\$617,000) and original scope of work; and

**WHEREAS**, since implementation of the Agreement, the scope of work has expanded to include, not only the online renewal system, but also printing and mailing of associated forms, letters and certificates, replacement hardware and necessary training and PCI compliance services; and

**WHEREAS**, upon the reviewing the expenditures against the Agreement, it was noted that expenditures have exceeded spending authority from FY2007-08 through FY2013-14 by approximately seven hundred fifty-five thousand, six hundred thirty-five dollars (\$755,635) and exceeded contract authority for the same period by one million, two hundred thirty-one thousand, six hundred thirty-five dollars (\$1,231,635); and

**WHEREAS**, there is a need to execute a First Amendment to the Agreement with PSI,(i) in the amount of one million, six hundred eleven thousand, ten dollars (\$1,611,010) for a total Agreement amount not to exceed two million, two hundred twenty-eight thousand, ten dollars (\$2,228,010) and, (ii) amend the scope of work to include maintenance, form, letter certificates and mailing, Web applications and support, a contingency for replacement hardware, and training and PCI compliance services, and (iii) exercise an optional annual extension for July 1, 2014 through June 30, 2015; and

**WHEREAS**, the Amendment includes a true-up of fiscal and contractual authority in the amount of one million, nine thousand, ten dollars (\$1,009,010) for Fiscal Years 2008-2015 of which six hundred seventy-eight thousand, five hundred seventy-one dollars (\$678,571) was expended in previous fiscal years and has no impact on Fiscal Years 2013-14 or 2014-15; and

**WHEREAS**, the fiscal impact for the remainder of FY 2013-14 is seven thousand, four hundred eighteen dollars (\$7,418) and funds are available in the Finance Department operating budget, General Purpose Fund (1010), Revenue Management Bureau, Business Tax Customer Service Unit (08431); and

**WHEREAS**, funds in the amount of sixty-three thousand, five hundred thirty-eight dollars (\$63,538) are available for the continued implementation of the online business tax renewal software application in the Finance Department operating budget, General Purpose Fund (1010), Revenue Management Bureau Business Tax Customer Service Unit (08431), Account (549191), Project (A468510), Program (IP59); and

**WHEREAS**, FY 2014-15, budgeted costs are three hundred seventy-nine thousand, three hundred seventy-five dollars (\$379,375); of that amount forty-nine thousand, nine hundred dollars (\$49,900) is encumbered and available in General Purpose Fund (1010), Revenue Management Bureau, Business Tax Customer Service Unit (08431), Account 52213; for the remaining three hundred twenty-nine thousand, four hundred seventy-five dollars (\$329,475) sufficient funds are available in the Finance Department's FY 2014-15 adopted Operating Budget, General Purpose Fund (1010), Revenue Management Bureau, Business Tax Customer Service Unit (08431);



**WHEREAS**, Oakland Municipal Code section 2.04.050.A requires the City Administrator to conduct advertising and bidding and award to the lowest responsible, responsive bidder for the purchase of products or goods, and Oakland Municipal Code section 2.04.050.I.5 allows Council to waive advertising and bidding requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$25,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, City staff recommends waiving the RFP, advertising and bidding requirements for this contract because it is in the best interests of the City to do so since (a) the requested Council action is authorization to execute a First Amendment to the Contract as was previously authorized by Resolution 83574 C.M.S; (b) PSI is the existing contractor that has the requisite experience and knowledge of the City's business tax information technology system; and (c) conducting an RFP would take several months and cause delay and disruption in the City's business tax operations due to the need to select and transition the system to another contractor; and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

**WHEREAS**, Oakland Municipal Code section 2.04.020.B requires Council approval of contracts for technology-related professional products or goods in excess of \$50,000: now, therefore, be it

**RESOLVED:** That pursuant to OMC 2.04.050.I.5 and the for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive advertising and bidding requirements for this contract and so waives the requirements; and be it

**FURTHER RESOLVED:** That pursuant to OMC 2.04.051.B and the for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds that it is in the best interests of the City to waive the Request for Proposals/Qualifications (RFP/Q) requirements for this contract and so waives the requirements; and be it

**FURTHER RESOLVED:** That based on information provided by the City Administrator, the Council finds that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

**FURTHER RESOLVED:** That the City Council of the City of Oakland hereby authorizes (i) the City Administrator to execute a First Amendment to the Agreement with Progressive Solutions, Inc., increasing Agreement compensation one million six hundred eleven thousand ten dollars (\$1,611,010) for a total Agreement compensation not to exceed two million, two hundred twenty-eight thousand, ten dollars (\$2,228,110); and (ii) amends the scope of work to include system maintenance and support services, hardware (new and replacement), training/payment card security compliance services, certificates, forms, letters and mailing, and



webhosting services, and (iii) executes one optional annual extension for Fiscal Year 2014-15 with one remaining optional annual in an amount not to exceed three hundred thirty-eight thousand, nine hundred sixty-three dollars (\$338,963) for Fiscal Year 2015-16.

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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