

2014 NOV 20 PM 2:49

Approved as to Form and Legality  
*Celena Chen*  
City Attorney  
for *Mark Wald*

## OAKLAND CITY COUNCIL

RESOLUTION No. 85307 C.M.S.

Introduced by Councilmember \_\_\_\_\_

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HAUSRATH ECONOMICS GROUP FOR PREPARATION OF AN IMPACT FEE NEXUS STUDY AND IMPLEMENTATION STRATEGY IN AN AMOUNT OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000); AND TO APPLY FOR, ACCEPT AND APPROPRIATE GRANT FUNDS SHOULD THEY BECOME AVAILABLE FOR THE SAME STATED PURPOSE, AND TO INCREASE THE CONTRACT AMOUNT TO REFLECT ADDITIONAL GRANT FUNDS OBTAINED WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, the City of Oakland has a critical need to ensure impacts from new development to transportation, sanitary sewer, storm drain, police, fire, parks, recreation, library and head-start facilities (hereinafter defined as "capital improvements") and affordable housing resources are addressed and development impact fees are a commonly used mechanism to address this need; and

**WHEREAS**, in 2013, the City Council directed staff to prepare a nexus study for development impact fees for transportation, capital improvements and affordable housing and identified and appropriated funding for this purpose; and

**WHEREAS**, a total amount of \$1,100,000.00 in funds are appropriated and available as follows: (a) \$500,000 in the General Purpose Fund (1010), Administration: Planning and Building Org (84111), Nexus Study project (A468550), Unidentified Program (0000); (b) \$200,000 in Central District: TA Bonds Series 2009T Fund (5613), Planning Org (84211), Nexus Study Fund 5613 Project (P468551), Unidentified Program (0000); (c) \$200,000 in Central City East TA Bonds Series 2006A-T (Taxable) Fund (5643), Planning Org (84211), Nexus Study Fund 5643 Project (P468552), Unidentified Program (0000); and (d) \$200,000 in Coliseum: TA Bonds Series 2006B-T (Taxable) Fund (5656), Planning Org (84211), Nexus Study Fund 5656 Project (P468553), Unidentified Program (0000); and

**WHEREAS**, Government Code Sections 66000-66025 establish the legal requirements for a jurisdiction to implement a development impact fee program for fees that meet the terms of the Mitigation Fee Act (AB 1600); and

**WHEREAS**, policies to support preparing a nexus study for potential development impact fees for transportation, capital improvements, and affordable housing are included in the recently adopted specific plans for the Broadway Valdez District and for West Oakland, the

public review drafts of the Lake Merritt Station Area Plan, Coliseum Area Specific Plan and the City's 2015-2023 Draft Housing Element Update, as well as the 1998 Land Use and Transportation Element (LUTE) of the City's General Plan; and

**WHEREAS**, the firm of Hausrath Economics Group was selected through a review of competitive proposals, professional qualifications and negotiations relative to providing a comprehensive fee and Scope of Services within the City's available budget and authorized Scope of Services for the project; and

**WHEREAS**, the City Council finds that this agreement for services is of a professional nature the services under this agreement will be temporary, and this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, there may be opportunities in the future to apply for grant funds for this project and such grant funds may be awarded and should be available for the nexus study; now, therefore be it

**RESOLVED**, that the City Council accepts that a total amount of \$1,100,000.00 in funds are appropriated and available as follows: (a) \$500,000 in the General Purpose Fund (1010), Administration: Planning and Building Org (84111), Nexus Study project (A468550), Unidentified Program (0000); (b) \$200,000 in Central District: TA Bonds Series 2009T Fund (5613), Planning Org (84211), Nexus Study Fund 5613 Project (P468551), Unidentified Program (0000); (c) \$200,000 in Central City East TA Bonds Series 2006A-T (Taxable) Fund (5643), Planning Org (84211), Nexus Study Fund 5643 Project (P468552), Unidentified Program (0000); and (d) \$200,000 in Coliseum: TA Bonds Series 2006B-T (Taxable) Fund (5656), Planning Org (84211), Nexus Study Fund 5656 Project (P468553), Unidentified Program (0000); and be it

**FURTHER RESOLVED**, that the City Administrator or designee is hereby authorized to negotiate and execute a Professional Services Agreement in substantial conformance with the December 2, 2014 City Council Community & Economic Development Committee Agenda Report and *Attachments B* (Draft Scope of Services) *and C* (Draft Schedule) to said Agenda Report with Hausrath Economics Group in an initial contract amount not-to-exceed eight hundred sixty-three thousand four hundred nine dollars (\$863,409), subject to the review and approval of the Office of the City Attorney; and be it

**FURTHER RESOLVED**, that the City Administrator or designee is hereby authorized to exceed the amount for additional services for project contingencies, unforeseen conditions and/or other circumstances deemed necessary to timely complete the project, in an amount not to exceed two hundred thirty-six thousand five hundred ninety-one dollars (\$236,591), for a total not-to-exceed contract amount of one million one hundred thousand dollars (\$1,100,000), consistent with the terms of this Resolution and Agenda Report and subject to the review and approval of the Office of the City Attorney; and be it

**FURTHER RESOLVED**, that the City Administrator or designee is hereby authorized to apply for, accept and appropriate grant funds should they become available for this project, and to amend total contract not-to-exceed amounts to reflect the additional grant funds within the duration of the project term and available appropriations, consistent with the terms of this Resolution and Agenda Report and without returning to the City Council; and be it

**FURTHER RESOLVED**, that the City Administrator or designee is authorized to (a) approve any subsequent amendments to or extensions of time to perform said agreement provided that such amendments or extensions shall be reviewed and approved by the Office of the City Attorney and filed with the City Clerk's Office and (b) take any and all other necessary steps and actions to implement the Citywide Nexus Study and Implementation Strategy consistent with the terms of this Resolution and Agenda Report; and be it

**FURTHER RESOLVED**, that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

DEC 09 2014

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST. \_\_\_\_\_

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