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Approved as to Form and Legality

  
Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION No. 80504 C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO RENEW AND EXECUTE THE CONTRACT WITH FRANCISCO & ASSOCIATES, INC. FOR AN AMOUNT NOT TO EXCEED \$153,340 TO PERFORM ENGINEERING SERVICES FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT, THE WILDFIRE PREVENTION ASSESSMENT DISTRICT, THE EMERGENCY SERVICES RETENTION ACT OF 1997 (MEASURE M), THE PARAMEDIC SERVICES ACT OF 1997 (MEASURE N), THE LIBRARY SERVICES RETENTION AND ENHANCEMENT ACT OF 1994 (MEASURE Q), THE VIOLENCE PREVENTION AND PUBLIC SAFETY ACT OF 2004 (MEASURE Y) AND THE ROCKRIDGE LIBRARY COMMUNITY FACILITIES DISTRICT OF 1992 FOR FISCAL YEARS 2007-08 AND 2008-09**

**WHEREAS**, the City Council approved the Landscaping and Lighting Assessment District in 1989, the Wildfire Prevention Assessment District in 2004, the Emergency Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 1994 (Measure Q), the Violence Prevention and Public Safety Act of 2004 (Measure Y) and the Rockridge Library Community Facilities District of 1992 ("Districts"); and

**WHEREAS**, a professional engineer must be retained to delineate the parcels, included within the boundaries of the Districts, to determine the land uses and assessment rates for each parcel in order to develop the Assessment Roll annually for the County Assessor, and to assist with any informational requests required by the City relating to the Districts; and

**WHEREAS**, it is in the City's best interest to continue to utilize a consulting assessment engineer who can provide a perspective based on impartial engineering judgment, who can represent an interest not associated with the City or the affected property owner, and who possesses expertise not currently resident within the existing City staff; and

**WHEREAS**, Francisco & Associates, Inc. has done a commendable job as the District Engineer for the Districts over the past six fiscal years; and

**WHEREAS**, Francisco & Associates, Inc. can provide the requisite data in the shortest amount of time and at the least cost, given their familiarity with the data; and

**WHEREAS**, Francisco & Associates, Inc. has made an effort to meet the City's small/local business requirements and the other performance requirements outlined in the Request for Proposals notice issued by the City in 2004; and

**WHEREAS**, Francisco & Associates, Inc. is agreeable to a contract under the terms and conditions agreeable to the City; and

**WHEREAS**, engineering services are required immediately to develop the Fiscal Year 2007-2008 Annual Engineer's Reports for the Landscaping and Lighting Assessment District and for the Wildfire Prevention Assessment District, prepare data for the Alameda County Assessment Roll, and respond to requests relative to the other named Districts and Special tax Levies; and

**WHEREAS**, the City Council finds that the service is professional, scientific or technical, is temporary in nature, and shall not result in the loss of salary or employment by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** that the City Administrator is authorized as follows:

1. To renew and execute a contract with Francisco & Associates, Inc. to perform the engineering services for the Landscaping and Lighting Assessment District, Wildfire Prevention Assessment District, the Emergency Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 1994 (Measure Q), the Violence Prevention and Public Safety Act of 2004 (Measure Y) and the Rockridge Library Community Facilities District of 1992 for Fiscal Years 2007-08 and 2008-09.
2. To execute the contract for the period of January 1, 2007 through December 31, 2008 for a total contract amount not to exceed \$153,340, comprised of a base fee of \$73,500 per fiscal year and a maximum of \$3,170 for out-of-pocket expenses per fiscal year.
3. To designate Francisco & Associates, Inc. as the District Engineer for the Landscaping and Lighting Assessment District; and be it

**FURTHER RESOLVED:** that Francisco & Associates, Inc. is hereby directed to file an annual report for the Landscaping and Lighting Assessment District with the City Clerk in accordance with the provisions of the Landscaping and Lighting Act of 1972, specifically Section 22622 of the California Streets and Highways Code; and be it

**FURTHER RESOLVED:** that Francisco & Associates, Inc. is hereby directed to file an annual report for the Wildfire Prevention Assessment District with the City Clerk in accordance with the provisions of Section 50078 of the California Government Code, per the Oakland Fire Suppression, Prevention and Preparedness District Ordinance (2003); and be it

**FURTHER RESOLVED:** that pursuant to Oakland Municipal Code section 2.04.051.B and findings set forth in the City Administrator's report accompanying this item, the City

Council finds and determines that is in the best interests of the City to waive the competitive request for proposal/qualifications process for the Francisco & Associates, Inc. contract and so waives the requirement; and be it

**FURTHER RESOLVED:** that the Office of the City Attorney will approve the contract as to form and legality and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 3 2007, 20    

**PASSED BY THE FOLLOWING VOTE:**

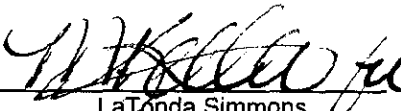
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, ~~WASSE~~, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Nadel - 1

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