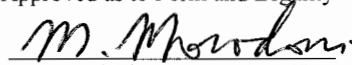


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2013 JUN 12 PM 4:09

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 84497 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR

1) TO AMEND THE CONTRACT WITH FRANCISCO & ASSOCIATES, INC., IN AN AMOUNT NOT-TO-EXCEED TWENTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$24,900), FOR WORK RELATED TO THE ESTABLISHMENT OF COMMUNITY FACILITIES DISTRICT (CFD) NO. 2013-1 (WILDFIRE PREVENTION DISTRICT), THE RATE AND METHOD TO LEVY A SPECIAL TAX, AND THE ESTABLISHMENT OF PROPOSED BOUNDARIES AND MAP OF THE CFD, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE-HUNDRED EIGHTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$382,400) AND WAIVING THE ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL / QUALIFICATION REQUIREMENTS

2) TO APPROPRIATE TWO HUNDRED THIRTEEN THOUSAND ONE HUNDRED DOLLARS (\$213,100) FOR THE COSTS OF ESTABLISHMENT OF THE COMMUNITY FACILITIES DISTRICT IN FY 2013-15

WHEREAS, the City of Oakland and those residing in the areas currently served by the Wildfire Prevention Assessment District (WPAD) are pursuing the establishment of a local community facilities district in accordance with the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*); and

WHEREAS, a professional engineer must be retained for the production of specific documents to delineate the parcels included within the boundaries and to determine the land uses and special tax rates for each parcel, in order to develop the Special Tax Roll for the County Assessor, and assist with any informational requests required by the City relating to the District; and

WHEREAS, it is in the City's best interest to continue to utilize a consulting 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 owners, and who possesses expertise not currently resident within the existing City staff; and

WHEREAS, Francisco & Associates, Inc. has done a commendable job as the Engineer for the Wildfire Prevention Assessment District (WPAD) since 2004; and

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

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

WHEREAS, Francisco & Associates, Inc will assist the City in implementing Community Facilities District (CFD) No. 2013-1 for and develop the report and prepare the data for the Alameda County Special Tax Roll; and

WHEREAS, Section 2.04.040 B5 and 2.04.051 A, respectively of the Oakland Municipal Code (OMC) require the City to conduct a formal advertising and competitive Request for Qualifications/Proposals (RFQ/RFP) selection process for professional services agreements over \$25,000; and

WHEREAS, Section 2.04.051 B of the OMC authorizes the City Council to waive the advertising and competitive RFP/RFP selection requirement if it finds that it is in the City's best interests to do so; and

WHEREAS, staff recommends that the City Council waive the advertising and competitive RFQ/RFP selection requirement in order to amend the Agreement with Francisco and Associates, Inc. for specialized and technical consulting engineering services which is necessary to avoid project disruption and delay, and to ensure a thorough and timely completion; 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;

WHEREAS, the estimated cost for the establishment of the Community Facility District is three-hundred thirty-eight thousand dollars (\$338,000), of which twenty-four thousand nine-hundred dollars (\$24,900) will be funded by the Fire Department existing budget, one-hundred thousand dollars (\$100,000) is proposed in the FY 2013-15 policy budget, and the funding gap is two-hundred thirteen-thousand and one-hundred dollars (\$213,100); now, therefore, be it

RESOLVED: That the City Council desires to continue with the preparation and acts necessary for the Community Facilities District and Special Tax Levies; and be it

FURTHER RESOLVED: that the City Council appropriate the amount of two-hundred thirteen-thousand and one-hundred dollars (\$213,100) to fund the costs for establishment of the Community Facilities District in FY 2013-15; and be it

FURTHER RESOLVED: That the City Administrator is authorized to amend the existing contract with Francisco & Associates, Inc. for Community Facilities District (SCS) No. 2013-1 (Wildfire Prevention) for services in an amount not-to-exceed Twenty-Four Thousand Nine Hundred Dollars (\$24,900); and be it

FURTHER RESOLVED: That the additional funding in the amount of Twenty-Four Thousand Nine Hundred Dollars (\$24,900) is available from the General Purpose Fund (1010), Org. (20110), Account (54919), Project (P467110), and Program (PS15); and be it

FURTHER RESOLVED: That the City Administrator is authorized to increase the contract for Francisco and Associates, Inc. in an amount not-to-exceed Twenty-Four Thousand Nine-Hundred (\$24,900), for a total contract in an amount not-to-exceed Three-Hundred Eighty-Two Thousand Four-Hundred Dollars (\$382,400); and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to take all actions and carry out any financial actions necessary to fulfill the intent of this Resolution and accompanying Report, including completing all required negotiations, certifications, assurances, and documentation required to accept modify, extend and/or amend this contract for services, except for any increase in the contract amount, without returning to the City Council; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall ensure that copies of fully executed contracts and amendments are placed on file with the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Attorney will review and approve, for form and legality, any and all contract amendments and modifications.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 2 2013

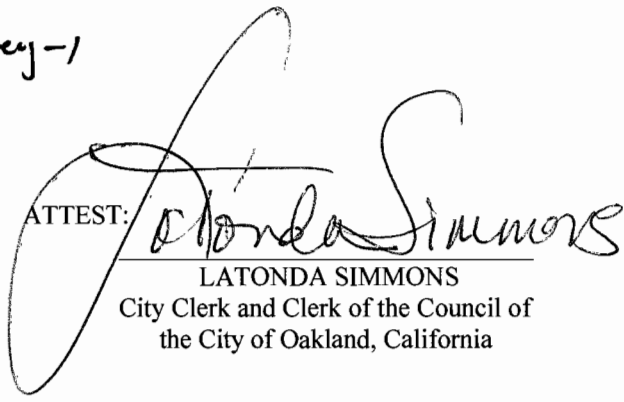
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, GALLO, ~~GIBSON MEELHANEY~~, KALP, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 6

NOES - 0

ABSENT - Gibson Meelhaney - 1

ABSTENTION - Brooks - 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California