

OAKLAND CITY COUNCIL

RESOLUTION No. 77824 - C.M.S.

INTRODUCED BY COUNCILMEMBER _____

03 OCT 2009
[Signature]

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS FOR PROFESSIONAL SERVICES AND OTHER SERVICES AS NEEDED, RELATED TO THE LEONA QUARRY DEVELOPMENT, TO BE PERFORMED BY INDEPENDENT TECHNICAL AND OTHER CONSULTANTS THE CITY DEEMS ARE REQUIRED TO COMPLY WITH THE CONDITIONS OF APPROVAL FOR SAID DEVELOPMENT PROJECT AS APPROVED BY THE CITY COUNCIL ON DECEMBER 3, 2002, PURSUANT TO RESOLUTION NO. 77544 C.M.S., AND THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP), TO BE FULLY FUNDED BY THE APPLICANT FOR SAID SERVICES, AND ACCEPTING AND APPROPRIATING FUNDS FROM THE APPLICANT TO FULLY PAY THE COSTS OF SAID SERVICES WITHOUT RETURN TO COUNCIL

WHEREAS, on December 3, 2002, the City Council approved a Planned Unit Development (“PUD”), Design Review (“DR”), Vesting Tentative Map (“VTM”), Variances and introduced a Zoning Boundary Line Adjustment for the Leona Quarry Residential Project located at 7100 Mountain Boulevard and on December 17, 2003 adopted the Zoning Boundary Line Adjustment; and

WHEREAS, a Condition of Approval included in the City Council action requiring the Applicant to fully fund the costs of implementing and administering the conditions and requirements pertaining to the Leona Quarry Project, including all costs of review, inspection, monitoring the site during grading, reclamation, quarry closure, revegetation and construction activities; and

WHEREAS, the applicant will deposit to the City the funds to pay all independent technical experts and other types of peer reviewers which include, but are not limited to, biologists, geotechnical engineers, hydrologists, air quality and noise monitors, and other professionals as needed by the City to ensure compliance with all the project conditions of approval; and

WHEREAS, the City now desires to begin implementation of the Leona Quarry Project and must assure that all the required inspections, reporting, monitoring and other requirements included in the approved project are undertaken in a comprehensive and integrated manner with all the applicable conditions and requirements set forth in the approved PUD, including but not limited to geotechnical, civil engineering, hydrologic, biological, air quality, noise and traffic control measures; and

WHEREAS, the City Council finds that the services required are of a temporary and professional, scientific, or technical nature, requiring a high degree of expertise and experience with this type of development, which are not available within the city staff; and

WHEREAS, the City Council finds **and** determines that performance of the contracts authorized hereunder shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City Council finds that the service contract authorized hereunder is of a professional nature and is exempt from competitive bidding pursuant to Section 2.04.050.1.1 of the Oakland Municipal Code; now, therefore, be it

RESOLVED: the City Council of the City of Oakland authorizes the City Manager to negotiate and execute contracts for professional services with independent experts to monitor grading and construction activities, peer review of improvements, monitor the air quality and noise, site inspection, site hydrology review, geotechnical review, plan checking and other services as needed, related to the Leona Quarry subdivision development; and be it

FURTHER RESOLVED: That such independent experts shall include, but are not limited to biologists, geotechnical engineers, hydrologists, air quality and noise monitors, and other professionals as needed by the City, in amounts not to exceed the amount funded by the Applicant for said development project contracts; and be it

FURTHER RESOLVED: that the City Council hereby authorizes the City Manager to solicit proposals, award and execute these contracts in accord with the City's contract programs, and procedures and other requirements as may be deemed necessary to fulfill the scope of work required to implement the project and to meet SLBE contracting requirements to the maximum extent possible without return to the City Council; and be it

FURTHER RESOLVED: that the City Manager is hereby directed to require applicant to pay the standard plan check fees, building permit fees, special inspection deposits and other required fees to the extent determined by the City as part of the Evergreen Fund consistent with Condition of Approval No. 40 of the Leona Quarry Project Resolution No. 77544 C.M.S. as adopted by the City Council on December 3, 2002; and

FURTHER RESOLVED: that the City Council hereby authorizes the City Manager to execute the contracts only when sufficient funds are deposited by the Applicant with the City to fully cover the contract costs as set forth in the Condition of Approval No. 40 of the Leona Quarry Project Resolution no. 77544 C.M.S.; and be it

FURTHER RESOLVED: that the City Council hereby accepts and appropriates the funds from the Applicant to pay said contracts to "1010" fund; and be it .

FURTHER RESOLVED: that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are (a) Community and Economic Development Agency, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, 3rd floor, Oakland, CA; (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA; and be it

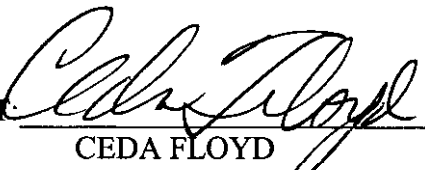
FURTHER RESOLVED: that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

In Council, Oakland, California, MAY 20 2003 2003

PASSED BY THE FOLLOWING VOTE:

AYES- **BROOKS, BRUNNER, CHANG,
NADEL, REID, ~~SKAN~~, WAN**
NOES- **AND PRESIDENT DE LA FUENTE = 7**

ABSENT-
Excused - Quan - 1
ABSTENTION

ATTEST 
CEDA FLOYD
City Clerk and Clerk of the Council of the
City of Oakland, California