

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JAN 13 PM 8:19

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Budget Office
DATE: January 25, 2005
RE: Resolution Authorizing the City Administrator to Execute a Contract with Francisco & Associates for a Two-Year Amount Not to Exceed \$31,339 to Perform District Engineering Services For the Violence Prevention and Public Safety Act of 2004 (Measure Y) for Fiscal Years 2005-06 and 2006-07

SUMMARY

Staff recommends that the City Council approve the attached resolution, which accomplishes the following:

1. Authorizes the City Administrator to execute a contract with Francisco & Associates, Inc. for FY 2005-06 and FY 2006-07, for mandated district engineering services for Measure Y parcel assessments, in an amount not-to-exceed \$31,339.
2. Designates Francisco & Associates, Inc. as the Engineer of Work for the Violence Prevention and Public Safety Act of 2004 (Measure Y).
3. Determines a contract period of January 1, 2005 through December 31, 2006.

FISCAL IMPACTS

The total cost of this two-year contract is not to exceed \$31,339, including a base contract amount of \$30,000 and out-of-pocket expenses of \$1,339. Funding for this two-year contract, including the three percent contract compliance fee of \$1,001 (for a total of \$32,340 for the two fiscal years), will be included in the Violence Prevention and Public Safety Act -- Measure Y Fund (org# 02811, fund #2251) budget for FY 2005-07.

BACKGROUND

District and Special Tax Levy Overview

The voters of the City of Oakland approved the Violence Prevention and Public Safety Act (Measure Y) in 2004. This special parcel tax levy is projected to generate \$12.17 million revenue in FY 2005-06. (Additional revenue from the parking tax surcharge is expected to generate \$7.75 million.) The Act utilizes benefit assessments and provides a funding source to the City of Oakland for specific activities, including:

- Community and neighborhood policing
- Violence prevention services, with an emphasis on youth

- Fire services

This Act was approved by over two-thirds of Oakland voters in the November 2004 General Election. It will sunset on January 1, 2015 unless the City Council submits an ordinance to the voters of the City of Oakland extending the tax and the voters approve this extension.

Contractor Selection Process

Resolution #78899 C.M.S. passed by the City Council at its November 16, 2004 meeting authorizes a contract with Francisco and Associates to provide the City with district engineering services for the following special districts and tax levies for FY 2005-06 and FY 2006-07:

- Landscaping and Lighting Assessment District
- Wildfire Prevention Assessment District
- Emergency Medical Services Retention Act of 1997 (Measure M)
- Paramedic Services Act of 1997 (Measure N)
- Library Services Retention and Enhancement Act of 2004 (Measure Q)
- Rockridge Library Community Facilities District of 1992

(Please see Appendix 1 for a copy of the resolution.)

Francisco and Associates, Inc. has been the City of Oakland's District Engineer for the LLAD, Measures M, N and O (now Q) and the Rockridge Library Community Facilities District since FY 2001-02. In FY 2003-04, Francisco & Associates developed the methodology of benefit for the Wildfire Prevention Assessment District and prepared its first Engineer's Report. In addition, Francisco & Associates determined the methodology of benefit for the Violence Prevention and Public Safety Act of 2004.

Over the past four years, Francisco & Associates, Inc. has done a commendable job as the City's District Engineer. The team has completed the past scopes of work in a timely manner, delivering superior results in accordance with the City requirements and within budget. The firm has proven that it can provide the requisite property assessment data to the Alameda County Assessor in the shortest amount of time and at the least cost, given its familiarity with the data. This aspect of Francisco & Associates ability is critical, as Alameda County allows for no exception in a municipality's submittal of its final revised assessment roll.

Staff requests that the City Council waive the requirement for competitive request for proposals and authorize the City Administrator to negotiate and enter into a professional services agreement with Francisco & Associates, Inc. Staff believes that economies of scale will be achieved if the City Council authorizes the City Administrator to enter into a contract with the same vendor for the same services as detailed above for the Violence Prevention and Public Safety Act of 2004 (Measure Y) for fiscal years 2005-06 and 2006-07. Going out with another RFP process for Measure Y is not believed to be effective given the above facts, and may result in delays in the Measure Y parcel assessment process, which ideally should begin early in the third quarter of FY 2004-05.

PROJECT DESCRIPTION

A professional engineer should be retained to determine the land uses and assessment rates for each parcel subject to this special tax levy, to develop the Assessment Roll annually for the County Assessor, and to assist with any informational requests required by the City or any citizen or property owner relating to the districts.

It must be noted that the possibility of designating a City employee as the District Engineer of Work was considered in previous years for which contract services were eventually secured. There is no in-house staff with the specific skills to accomplish the required work. Further, utilizing a consulting assessment engineer for the districts provides a perspective based on impartial engineering judgment. An independent engineer can more effectively act as an arbitrator or mediator, providing impartial decisions and recommendations to resolve assessment disputes.

Once the contractor completes the Engineer's Reports for this special tax levy, the Oakland City Council will hold a public hearing to provide an opportunity for any interested person to be heard. At the conclusion of the public hearings, the City Council can adopt legislation confirming the levy of assessments as proposed in the Engineer's Reports, or as modified. Following this formal process, the Engineer will be responsible for preparing and filing a final Assessment Roll with the Alameda County Assessor's Office for the FY 2005-06 and FY 2006-07 tax rolls, respectively.

The final Assessment Roll for FY 2005-06 is due to the County in August of 2005, and FY 2006-07 roll in August of 2006. To meet this deadline, the engineer begins work in January of the same year. This process follows the process for other local assessments, such as Measures M, N and Q and Wildfire District.

SUSTAINABLE OPPORTUNITIES

Economic: Up to 20 percent of the contract will be subcontracted to a certified small local business enterprise, thereby directly creating economic opportunity within the Oakland community

Environmental: Measure Y proceeds will be used to enhance the City's policing, violence prevention and fire protection services, which will in turn enhance the health, safety and welfare of all Oakland residents.

Social Equity: The funding provided by Measure Y enables the City of Oakland to expand after-school and in-school programs for youth and children, as well as makes available domestic violence and child abuse counselors.

DISABILITIES AND SENIOR CITIZEN ACCESS

Measure Y is intended to make Oakland safer for all residents, including seniors and persons with disabilities.

RECOMMENDATION AND RATIONALE

Awarding a contract for engineering services for the Violence Prevention and Public Safety Act of 2004 is time sensitive. In order to file the Assessment Roll for placement in the FY 2005-06 property tax roll in August 2005, the engineering services must begin as soon as possible after the start of the calendar year.

Staff recommends that the City Council approve the resolution authorizing the City Administrator to execute the contractual agreement with Francisco & Associates, Inc. for a two-year amount not to exceed \$31,339 to perform engineering services for the Violence Prevention and Public Safety Act of 2004 (Measure Y) for Fiscal Years 2005-06 and 2006-07. This recommendation is based on Francisco and Associates' successful proposal submitted for the recent district engineering services RFP for the LLAD, Wildfire Prevention Assessment District, Rockridge Community Facilities District and Measures M, N, and Q.

Respectfully submitted,



MARIANNA MARYSHEVA
BUDGET DIRECTOR

Prepared by:
Cheryl L. Taylor
Principal Financial Analyst

APPENDICES:

Appendix 1: Resolution Authorizing the City Administrator to Renew and Execute a Contract with Francisco & Associates for Two-Year Amount Not to Exceed \$122,000 to Perform District Engineering Services For the Landscaping and Lighting Assessment District, the Wildfire Prevention Assessment District, the Emergency Medical Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q), and the Rockridge Library Community Facilities District of 1992 for Fiscal Years 2005-06 and 2006-07

**APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE**



OFFICE OF THE CITY ADMINISTRATOR

APPENDIX 1

OAKLAND CITY COUNCIL

RESOLUTION NO. 78899 C. M. S.

B. Retorech
FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 OCT 28 PM 4:08

Resolution Authorizing the City Administrator to Renew and Execute a Contract with Francisco & Associates for a Two-Year Amount Not to Exceed \$122,000 to Perform District 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 2004 (Measure Q), and the Rockridge Library Community Facilities District of 1992, for Fiscal Years 2005-06 and 2006-07

WHEREAS, the City Council and local voters 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 2004 (Measure Q), and the Rockridge Community Facilities District ("Districts"); and

WHEREAS, a professional engineer must be retained for the above Assessment Districts to delineate the parcels included within the boundaries, to determine the land uses and assessment rates for each parcel in order to develop the Assessment Roll annually for the County Assessor, and 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 four fiscal years and was determined a finalist of a competitive selection process following the issuance of a Request for Proposals (RFP); 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. was the only candidate to

have met the City's minimum participation requirement for Small/Small Local Business Enterprises; and

WHEREAS, Francisco & Associates, Inc. met the other performance requirements outlined in the Request for Proposals notice issued by the City in summer 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 2005-2006 Annual Engineer's Reports for the Landscaping and Lighting Assessment District and for the Wildfire Prevention and Assessment District, prepare data for the Alameda County FY 2005-06 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 by the Council of the City of Oakland that the City desires to continue with the preparation and acts necessary for the Districts and Special Tax Levies; and be it further

RESOLVED that the City Administrator is authorized as follows:

1. Renew and execute a contract with Francisco & Associates, Inc. for FY 2005-06 and FY 2006-07, for mandated district engineering services in an amount not-to-exceed \$122,000.
2. Designate Francisco & Associates, Inc. as the Engineer of Work for the Landscaping and Lighting Assessment District (LLAD), the Wildfire Prevention Assessment District, the Emergency Medical Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q), and the Rockridge Community Facilities District for FY 2005-06 and FY 2006-07.
3. Determine a contract period of January 1, 2005 through December 31, 2006.
4. Direct Francisco & Associates, Inc. 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.

5. Direct Francisco & Associates, Inc. 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 funding for the contract will come from the following sources:

Landscaping and Lighting Assessment District (Fund 2310):	\$41,785
Wildfire Prevention Assessment District (Fund 2320):	25,893
Measure M - Emergency Medical Services Retention Act (Fund 2412):	8,358
Measure N - Paramedic Services Act (Fund 2250):	8,358
Measure Q - Library Services Retention and Enhancement Act (Fund 2240):	31,339
Rockridge Library Community Facilities District (Fund 5130):	6,267
Total:	\$122,000

, with the three percent contract compliance fee, which equals \$3,660, split proportionally among the 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 the City Attorney will review the contract as to form and legality, and a copy of such executed contract will be placed on file at the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA

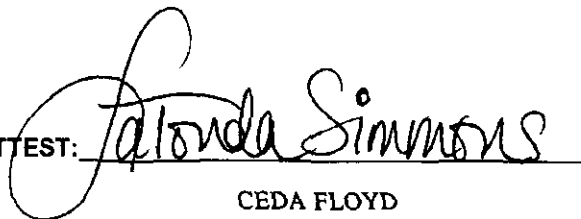
PASSED BY THE FOLLOWING VOTE:

BRUNNER, ~~BR~~OOKS, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN - 7

AYES--- 0
 NOES--- 0
 ABSENT--- 0
 ABSTENTION--- 0

Excused - Brooks -

ATTEST:



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



FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 JAN 13 PM 8:19

RESOLUTION NO. _____ C. M. S.

Resolution Authorizing the City Administrator to Execute a Contract with Francisco & Associates for a Two-Year Amount Not to Exceed \$31,339 to Perform District Engineering Services For the Violence Prevention and Public Safety Act of 2004 (Measure Y) for Fiscal Years 2005-06 and 2006-07

WHEREAS, the City Council and local voters approved the Violence Prevention and Public Safety Act of 2004 (Measure Y) in the November 2004 General Election by greater than a two-thirds majority vote; and

WHEREAS, a professional engineer should be retained for the Measure Y to delineate the parcels included within the boundaries, to determine the land uses and assessment rates for each parcel in order to develop the Assessment Roll annually for the County Assessor, and assist with any informational requests required by the City relating to the special parcel tax levy; 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 four fiscal years and was awarded a contract to provide district engineering services for the Landscaping and Lighting Assessment District, the Wildfire Prevention Assessment District, the Emergency Medical Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q), and the Rockridge Library Community Facilities District of 1992 for Fiscal Years 2005-06 and 2006-07 after a competitive selection process following the issuance of a Request for Proposals (RFP); 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. meets the the City's minimum participation requirement for Small/Small Local Business Enterprises; 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 prepare data for the Alameda County FY 2005-06 Assessment Roll, and respond to requests relative to this Special Parcel Tax Levy; 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 by the Council of the City of Oakland that the City desires to continue with the preparation and acts necessary for this Special Property Tax Levy; and be it further

RESOLVED that the City Administrator is authorized as follows:

1. Execute a contract with Francisco & Associates, Inc. for FY 2005-06 and FY 2006-07, for mandated district engineering services in an amount not-to-exceed \$31,339.
2. Designate Francisco & Associates, Inc. as the Engineer of Work for the Violence Prevention and Public Safety Act of 2004 for FY 2005-06 and FY 2006-07.
3. Determine a contract period of January 1, 2005 through December 31, 2006.

And be it further

RESOLVED that funding for the contract will come from the Violence Prevention and Public Safety Act -- Measure Y Fund (org# 02811, fund #2251), with the three percent contract compliance fee of \$1,001 for a total of \$32,340; and be it further

RESOLVED, pursuant to O.M.C. Chapter 2.04, Section 2.04.051.B, the City Council finds and determines that it is in the best interests of the City to waive the requirement for competitive requests for proposals and authorize the City Administrator to negotiate and enter into a professional services agreement with Francisco and Associates, Inc. to provide district engineering services for Measure Y parcel assessments in an amount not to exceed thirty-one thousand, three-hundred and thirty-nine dollars (\$31,339.00); and, be it further

RESOLVED that the City Attorney will review the contract as to form and legality, and a copy of such executed contract will be placed on file at the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

BRUNNER, BROOKS, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

AYES---

NOES---

ABSENT---

ABSTENTION---

ATTEST: _____

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