

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 NOV 13 PM 5:22

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: November 18, 2008

**RE: Supplemental Report Clarifying Language In the Title and Fiscal Impact Section Relating to Allocation of Funds, For a Resolution Authorizing the City Administrator To Negotiate and Execute a Professional Services Agreement with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) for Preparation of the Oakland 2009 Housing Element Environmental Impact Report, in an Amount Not to Exceed Three Hundred Thirty-Nine Thousand Eight Hundred and Seven Dollars (\$339,807), Plus an Allocation of Ten Thousand One Hundred and Ninety-Three Dollars (\$10,193) for Contract Compliance Fees, for a Total Project Amount Not to Exceed Three Hundred, Fifty Thousand Dollars (\$350,000)**

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**SUMMARY**

This supplemental report covers the action before the Community and Economic Development Committee at their November 12, 2008 meeting, which recommended the selection of Post, Buckley, Schuh & Jernigan, Inc. (PBS&J), a national infrastructure planning, engineering and architecture firm, with an office in San Francisco, to produce a Environmental Impact Report (EIR) for the 2009-2014 Housing Element (Housing Element).

This supplemental report corrects accounting codes in the Fiscal Impact section of the Agenda Report dated November 12, 2008. The Fiscal Impact section of the report should read (deletions in ~~strikeout~~, additions are underlined):

**FISCAL IMPACT**

The fiscal impact to produce the 2009-2014 Housing Element Environmental Impact Report is reflected in the not-to-exceed amount of the Professional Services Contract of \$339,807. This amount includes \$267,576 for basic services, and a 27% project contingency of \$72,231. An additional 3% of that amount, or \$10,193, will be ~~set aside~~ allocated for the City's contract compliance costs, for a total project cost of \$350,000. As mentioned above, the entire amount of \$350,000 is available and will be funded by the Development Services Fund (2415), Major Projects Organization (88211), Miscellaneous Contract Services Account (54919), General Plan Surcharge Project ~~34010~~ (P34050), Major Projects and Strategic Planning Program (SC09). The fiscal impact of preparing

Item: \_\_\_\_\_  
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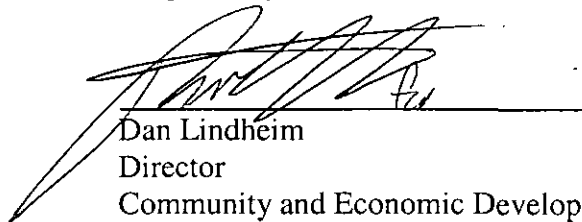
the EIR for adoption by the City Council is expected to be limited to the \$350,000 requested in this report.

A revised resolution, with this change, is also included. Staff continues to work with PBS&J on a finalized work scope and schedule.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends adoption of the revised Resolution authorizing the negotiation and execution of the professional services contract.

Respectfully submitted,



Dan Lindheim  
Director  
Community and Economic Development Agency

Prepared by:  
Devan Reiff, AICP, Planner II  
Strategic Planning Division, Planning and Zoning

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL:**



Office of the City Administrator

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REVISED

Approved as to Form and Legality

Mark P. Wall  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) FOR PREPARATION OF THE OAKLAND 2009 HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-NINE THOUSAND, EIGHT HUNDRED AND SEVEN DOLLARS (\$339,807), AND PLUS ALLOCATING TEN THOUSAND, ONE HUNDRED AND NINETY-THREE DOLLARS (\$10,193) FOR CONTRACT COMPLIANCE FEES, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED THREE HUNDRED, FIFTY THOUSAND DOLLARS (\$350,000)**

**WHEREAS**, California law (Government Code Section 65583) requires that each city and county adopt a housing element to the General Plan, which determines the City's new housing construction need; and

**WHEREAS**, the Association of Bay Area Governments (ABAG) has determined, through a regional housing allocation process, that the City's housing need between the years 2009-2014 is 14,629 new units of market rate and affordable housing units; and

**WHEREAS**, cities are required to accommodate the housing needs of very low-income, low-income, moderate income and above-moderate income residents by providing sufficient sites for housing, with adequate zoning and infrastructure, to make possible the development of these housing units, including providing sites with sufficient density to make possible the development of housing for all income levels; and

**WHEREAS**, the City of Oakland is in the process of completing the administrative draft of the 2009-2014 Housing Element, prepared by staff of the Community and Economic Development Agency, in advance of the June 30, 2009 deadline established by the California Department of Housing and Community Development; and

**WHEREAS**, an Environmental Impact Report is the appropriate environmental document required for the 2009-2014 Housing Element under the California Environmental Quality Act;

**WHEREAS**, the firm of Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) was selected through a review of competitive proposals, professional qualifications and negotiations relative to providing a comprehensive fee and Scope of Work within the City's available budget and authorized Scope of Work for the project; and

**WHEREAS**, the City Council finds that this agreement is for services 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; now, therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to negotiate and execute a professional services agreement and a scope of services, in substantial conformance with Attachment A to the City Council Agenda Report dated November 12, 2008, with PBS&J to prepare a Environmental Impact Report to the 2009-2014 Housing Element, in an amount for basic services not to exceed Two Hundred Sixty-Seven Thousand, Five Hundred and Seventy-Six Dollars (\$267,576), plus an additional Seventy-Two Thousand, Two Hundred Thirty-One Dollars (\$72,231) for additional services, additional optional scope items, project contingencies or unforeseen conditions or sub-contracts, for a total not to exceed contract amount of Three Hundred Thirty-Nine Thousand, Eight Hundred Seven Dollars (\$339,807), subject to the review and approval by the Office of the City Attorney; and be it

~~**FURTHER RESOLVED:** That the City Administrator is hereby authorized to exceed the contract amount for an additional 3% of the amount, or Ten Thousand, One Hundred and Ninety-Four Dollars (\$10,194) for contract compliance costs, for a total project cost of Three Hundred and Fifty Thousand Dollars (\$350,000); and be it~~

**FURTHER RESOLVED:** That the City Administrator is authorized to allocate Ten Thousand One Hundred Ninety-Three dollars (\$10,193) for contract compliance fees from the Development Services Fund (2415), Organization (88211), Account (54919), Project (P340450), Program (SC09) to be paid into the General Purpose Fund (1010), Overhead Recovery Org (90271), Non-Project, Central Services Overhead Account (62214), for a total project cost of Three Hundred and Fifty Thousand Dollars (\$350,000); and be it

**FURTHER RESOLVED:** That the remaining \$339,806 for the contract are proposed to come from the Development Services Fund (2415), Major Projects Organization (88211), Miscellaneous Contract Services Account (54919), General Plan Surcharge Project (P34050), Major Projects and Strategic Planning Program (SC09); and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to (a) approve any subsequent amendments to or extensions of said agreement, except those involving compensation or the allocation of additional funds, 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) to take any other necessary steps to develop the Environmental Impact Report, consistent with the terms of this Resolution; and be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_.

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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