

## CITY OF OAKLAND

2007 MAR 28 PM 5:55

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Budget Office  
DATE: March 27, 2007

RE: **Resolution Authorizing the City Administrator to Renew and Execute the Contract with Francisco & Associates, Inc. for a two-year contract in an amount not to exceed \$153,340 (\$76,670 per year) 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 the Fiscal Years 2007-08 and 2008-09**

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**SUMMARY**

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

1. Authorizes the City Administrator to renew and execute a contract with Francisco & Associates, Inc. for FY 2007-08 and FY 2008-09, for mandated district engineering services in an amount not-to-exceed \$153,340.
2. Designates 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), the Violence Prevention and Public Safety Act of 2004 (Measure Y) and the Rockridge Community Facilities District for FY 2007-08 and FY 2008-09.
3. Determines a contract period of January 1, 2007 through December 31, 2008.
4. Authorizes the City Administrator to 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. Authorizes the City Administrator to 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).

Item: \_\_\_\_\_

Finance and Management Committee

March 27, 2007

## FISCAL IMPACT

The total cost of this two-year contract is not to exceed \$153,340, including the following:

Base contract amount:	\$147,000
Out-of-pocket expenses (\$3,170 maximum per year):	<u>6,340</u>
Total:	\$153,340

The funding sources include money from each respective district as follows:

Landscaping and Lighting Assessment District (Fund 2310):	\$41,785
Wildfire Prevention Assessment District (Fund 2321):	25,894
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
Measure Y - Violence Prevention and Public Safety Act (Fund 2251)	31,339
Rockridge Library Community Facilities District (Fund 5130):	<u>6,267</u>
Total:	\$153,340

Funding for this two-year contract will be included in the Budget Office's FY 2007-09 budget request. The FY 2007-09 total contract amount represents no increase in the contract amount or budget authority.

## BACKGROUND

### *District and Special Tax Levy Overview*

The voters of the City of Oakland approved the Landscaping and Lighting Assessment District in 1989, the Wildfire Prevention Assessment District in 2004, the Emergency Medical Services Retention Act (Measure M) in 1997, the Paramedic Services Act (Measure N) in 1997, the Library Services Retention and Enhancement Act (Measure Q) in 2004, the Violence Prevention and Public Safety Act (Measure Y) in 2004 and the Rockridge Community Facilities District in 1992.

In total, the aforementioned special district assessments and tax levies generate approximately \$46.4 million revenue annually. Each special district utilizes direct benefit assessments and provides a funding source to the City of Oakland for specific activities as follows:

- Landscaping and Lighting Assessment District (LLAD) funds maintenance and improvements of open space, park grounds and structures, and street lighting in the City of Oakland. The LLAD is subdivided into two residential districts and three non-

Item: \_\_\_\_\_  
Finance and Management Committee  
March 27, 2007

residential districts. It was reconfirmed in November of 1994 with the defeat of Measure S, which called for a repeal of the LLAD. This district includes approximately 103,000 parcels and generates approximately \$17.9 million in annual assessment revenue. The district does not have a sunset date.

- Wildfire Prevention Assessment District expands vegetation management and fire prevention programs in the fire-prone Oakland hills. This district includes approximately 25,000 parcels and generates approximately \$1.7 million in annual assessment revenue. The district will sunset on July 1, 2014 unless re-approved by property owners within the district.
- Emergency Medical Services Retention Act of 1997 (Measure M) pays for emergency dispatch and medical services in the City of Oakland. Measure M replaced funding from a previous assessment invalidated by Proposition 218. This act covers approximately 103,000 parcels and generates approximately \$1.5 million in annual special tax revenue. This act does not have a sunset date.
- Paramedic Services Act of 1997 (Measure N) pays for paramedic emergency services in the City of Oakland. This act covers approximately 103,000 parcels and generates approximately \$1.2 million in annual special tax revenue. The act does not have a sunset date.
- Library Services Retention and Enhancement Act of 2004 (Measure Q) pays for library services. Measure Q extends the Library Services Retention and Enhancement Act of 1994 (Measure O), keeping all provisions of the original 1994 parcel tax unchanged. This measure covers approximately 103,000 parcels and generates approximately \$11 million in annual special tax revenue. The measure will sunset on July 1, 2024 unless the City Council submits to the voters of the City of Oakland a ballot measure to extend the tax and the voters approve this extension.
- Violence Prevention and Public Safety Act of 2004 (Measure Y) provides community policing, violence prevention services, and fire services. This special parcel tax levy generates approximately \$13 million in annual revenue. (Additional revenue from the parking tax surcharge is expected to generate \$7.8 million.) 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 to the voters of the City of Oakland a ballot measure to extend the tax and the voters approve this extension.
- Rockridge Library Community Facilities District of 1992 pays for construction and operation of the Rockridge Branch Library. This district includes approximately 3,880 parcels and generates approximately \$135,000 in annual assessment revenue. The district will sunset on July 1, 2020.

A Request for Proposals (RFP) was issued in 2004 for engineering services for the FY 2005-07 budget period. The Budget Office received responses to the RFP from four firms. Three of these four firms were the same firms that responded to the previous RFP conducted in FY 2000-2001. In both cases, Francisco and Associates Inc. received the highest evaluation ratings and was awarded the contract.

Item: \_\_\_\_\_  
Finance and Management Committee  
March 27, 2007

Francisco & Associates, Inc. has been the City of Oakland's District Engineer since FY 2001-02. Over the past six years, Francisco & Associates, Inc. has proven that it can provide the requisite property assessment data to the Alameda County Auditor in the shortest amount of time and at the least cost, given its familiarity with the data. This aspect of Francisco & Associates Inc. ability is critical, as Alameda County allows for no exception in a municipality's submittal of its final revised assessment roll.

The City's current Assessment Engineering contract expired in December 2006. Staff is requesting that Council waive the RFP process. Staff believes that it is in the best interests of the City to extend the current contract with Francisco and Associates, Inc. for a period of two years, through December 31, 2008 to ensure the necessary assessment district engineering work is completed accurately and on time. In order to have the assessment information submitted to the County Auditor-Controller's office by the August deadline, work must begin immediately. Francisco & Associates, Inc. has done an excellent job, is familiar with the City's assessment district process and has agreed to continue to provide engineering services for the next two years with no increase in cost. It is recommended that a new RFP be issued during the summer of 2008, prior to the expiration of this contract.

## **KEY ISSUES AND IMPACTS**

As required by the legislation approving each district, 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 the districts, 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. For the LLAD, the requirement of a District Engineer of Work is further mandated by the California Streets and Highways Code, Sections 22500, et seq., known as the Landscaping and Lighting Act of 1972, which enabled the creation of the City of Oakland Landscaping and Lighting Assessment District.

Upon completion of an Engineer's Report for the districts, the Oakland City Council annually conducts a public hearing to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council can adopt a resolution confirming the levy of assessments as proposed in the Engineer's Report, or as modified. Following the adoption of the resolution, the final Assessment roll will be prepared and filed with the Alameda County Assessor's Office to be included in the FY 2007-08 tax roll and FY 2008-09 tax roll respectively.

The final Assessment roll for the FY 2007-08 property tax roll is due to the County in August of 2007. The final Assessment roll for the FY 2008-09 property tax roll is due to the County in August of 2008.

Item: \_\_\_\_\_  
Finance and Management Committee  
March 27, 2007

The possibility of designating a City employee as the District Engineer of Work was considered in this and 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 special districts provides a perspective based on impartial engineering judgment in that an outside engineer would represent an interest not associated with the City or the affected property owners. An independent engineer can more effectively act as an arbitrator or mediator, providing impartial decisions and recommendations to resolve assessment disputes.

### **SUSTAINABLE OPPORTUNITIES**

Entering into contract with Francisco & Associates, Inc. enables the City to comply with the legislative mandates to retain a professional engineer for the districts. In doing so, the City directly and indirectly maintains economic, environmental, and social equity opportunities as follows:

**Economic:** The funding provided by the districts contributes to the City of Oakland's ability to protect its assets and retain employees that provide the operations and maintenance services for the districts' activities.

**Environmental:** The funding provided by the districts enables the City of Oakland to maintain and enhance the City's street lighting, open space and parklands, as well as to protect its fire-prone brush areas.

**Social Equity:** The funding provided by the districts enables the City of Oakland to enhance access to public spaces and facilities.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Ensuring compliance with the districts' legislative requirements through the contract with Francisco & Associates, Inc. enables the City of Oakland to access funding that can be used to enhance equal access to public spaces and facilities.

### **RECOMMENDATION AND RATIONALE**

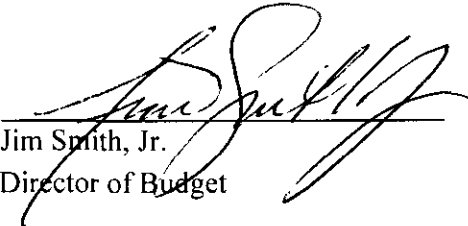
Awarding a contract for engineering services for the special districts and parcel taxes is time sensitive. In order to file the Assessment Roll for placement in the FY 2007-08 property tax roll in August 2007, the engineering services must begin as soon as possible.

Staff recommends that the City Council approve the resolution authorizing the City

Item: \_\_\_\_\_  
Finance and Management Committee  
March 27, 2007

Administrator to extend and execute the contractual agreement with Francisco & Associates, Inc. for a two-year period in 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 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), the Violence Prevention and Public Safety Act of 2004 (Measure Y) and the Rockridge Library Community Facilities District for Fiscal Years 2007-08 and 2008-09.

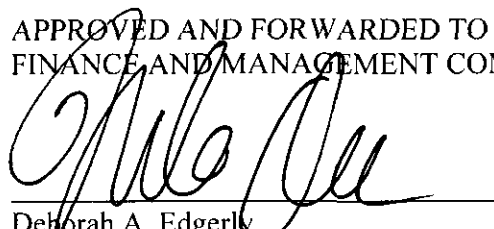
Respectfully submitted,



Jim Smith, Jr.  
Director of Budget

Prepared by:  
Sarah Schlenk, Principal Financial Analyst  
Budget Office

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:



Deborah A. Edgerly  
Office of the City Administrator

Item: \_\_\_\_\_  
Finance and Management Committee  
March 27, 2007

2007 MAR 15 PM 5:55

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

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

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

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**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, \_\_\_\_\_, 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