



Deputy City Attorney

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OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 16 AM 11:02

OAKLAND CITY COUNCIL

RESOLUTION No. 82090 C.M.S.

Introduced by Councilmember _____

RESOLUTION ACCEPTING AND APPROPRIATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$265,000) FOR THE DEVELOPMENT OF THE LAKE MERRITT BART STATION AREA PLAN AND ENVIRONMENTAL DOCUMENT, AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DYETT & BHATIA FOR DEVELOPMENT OF THE LAKE MERRITT BART STATION AREA PLAN IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHTY-FIVE THOUSAND DOLLARS (\$1,085,000)

WHEREAS, in spring 2006, BART led a community participatory planning and design process to provide a community vision for the Lake Merritt BART Station Area, where focus groups were conducted and a framework for improved streetscape design in the Lake Merritt BART Station Area was developed and incorporated into a Final Summary Report document.; and

WHEREAS, in summer 2007, the City and other local governments in the nine-county San Francisco Bay Area were invited to apply for regional designation of an area within their community as a Priority Development Area (PDA) as a part of the FOCUS initiative. PDAs are infill development opportunities within existing communities and are located primarily around transit stations and corridors. Regional agencies will support local governments' commitment to the FOCUS regional development and conservation initiative goals by working to direct existing and future incentives to these priority areas; and

WHEREAS, the Metropolitan Transportation Commission (MTC) in partnership with the Association of Bay Area Governments announced the availability of grant funds for the Station Area and FOCUS Planning Grant Program; and

WHEREAS, under this program, \$7.5 million dollars was available for planning grants up to \$750,000 for localized planning efforts and associated environmental impact reports, and for specific plan elements to finance planning efforts that will result in land use plans and policies that increase transit ridership around public transit hubs and bus and rail corridors in the nine-county San Francisco Bay Area; and

WHEREAS, In February 2008, the City, BART and the Peralta Community College District expressed a desire to enter into a Memorandum of Understanding (“MOU”) to cooperatively pursue development of a Specific Plan for the Lake Merritt BART Station Area (generally defined as a ½-mile radius around the Lake Merritt BART Station) with the understanding that the PCCD and BART have each authorized a contribution of \$50,000 in local match funding towards this effort.

WHEREAS, the City Council directed staff to file an application for a Station Area Planning Grant funding to create a specific plan and environmental document for the Lake Merritt BART Station Area Plan; and

WHEREAS, the Lake Merritt BART Station Area Plan project was awarded \$720,000 by MTC to assist in the cost of developing a specific plan and environmental document for the planning area; and

WHEREAS, the Redevelopment Agency also wishes to fund costs to assist with the development of a specific plan and environmental document for the Lake Merritt BART Station Area in the Central District and Central City East Redevelopment Project Areas; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$265,000 to the City for the development of a specific plan and environmental document for the Lake Merritt BART Station Area; and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions to City activities in support of redevelopment projects; and

WHEREAS, the firm of Dhyett & Bhatia 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 Council hereby accepts and appropriates up to \$265,000 in Redevelopment Agency funds for development of a specific plan and environmental document for the Lake Merritt Specific Plan and allocates these monies to the Oakland Redevelopment Agency Projects Fund (7780), Org (88699), (Project No. To Be Determined); and be

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a professional services contract and a scope of services, in substantial conformance with Attachments A and B to the City Council Agenda Report, with Dhyett & Bhatia to develop a Specific Plan and accompanying environmental document in an amount for basic services not to exceed Nine Hundred Eighty Five Thousand Dollars (985,000), 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 amount for additional services for optional scope items, project contingencies or unforeseen conditions in an amount not to exceed One Hundred Thousand Dollars (\$100,000) for a total not-to-exceed contract amount of One Million Eighty Five Dollars (\$1,085,000); 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 Specific Plan, consistent with the terms of this Resolution; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 16 2009, 20

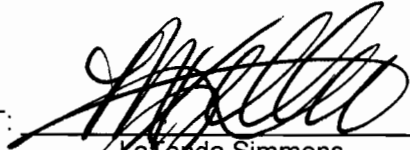
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT~~ DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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