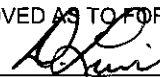


OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2006 FEB 16 PM 12:48

APPROVED AS TO FORM AND LEGALITY:



AGENCY COUNSEL

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

2006-0011

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

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**RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR  
TO NEGOTIATE AND EXECUTE A CONTRACT FOR AN  
AMOUNT NOT TO EXCEED \$160,000 WITH FEHR AND PEERS  
TO DEVELOP AN ACCESS PLAN FOR THE MACARTHUR  
TRANSIT VILLAGE PROJECT; AND TO WAIVE COMPLIANCE  
WITH THE LOCAL AND SMALL LOCAL BUSINESS  
ENTERPRISE PROGRAM**

**WHEREAS**, the Redevelopment Agency of the City of Oakland is working to redevelop the MacArthur BART Station and the surrounding properties into a transit village; and

**WHEREAS**, the MacArthur Transit Village project is within the Broadway/MacArthur/San Pablo Redevelopment Project Area; and

**WHEREAS**, the Five Year Implementation Plan for the Broadway/MacArthur/San Pablo Redevelopment Project, adopted on July 25, 2000 (Ordinance No. 12269 C.M.S.), includes the MacArthur Transit Village project and related streetscape improvements; and

**WHEREAS**, the Agency plans to start the environmental review process for the MacArthur Transit Village project in February 2006; and

**WHEREAS**, BART requires that an Access Plan for the MacArthur BART Station be completed in conjunction with the environmental review process; and

**WHEREAS**, pursuant to a joint Request for Proposals, the Agency and BART selected a development team for the MacArthur Transit Village project that consists of a partnership between Aegis Equity Partners, Shea Properties, and BUILD (BRIDGE Urban Infill Land Development, LLC), organized as MacArthur Transit Community Partners, LLC ("MTCP"); and

**WHEREAS**, Fehr and Peers is under contract by MTCP to complete the transportation analysis for the environmental review process for the MacArthur Transit Village project; and

**WHEREAS**, the Agency, BART, and MTCP have determined, and the Agency finds, that it is in their best interest to negotiate solely with Fehr and Peers because it is necessary to use the same transportation consultant team to complete the transportation analysis for both the environmental review process and the Access Plan to assure that the data is consistent and to not delay the schedule of both studies, which need to be completed simultaneously; and

**WHEREAS**, the Agency has determined that the requirement that Fehr and Peers comply with the Local and Small Local Business Enterprise Program shall be waived; and

**WHEREAS**, the Agency received a grant from the Alameda County Congestion Management Agency, deposited in MacArthur Transit Village CMA TIP Grant Project (Fund 9213, Project G214310, Redevelopment Projects Org 88669) to cover work related to the environmental review process for the project which includes this contract; and

**WHEREAS**, the Agency plans to pay the 3% Contract Compliance fees for this contract from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) since they are not an eligible expense under the CMA TIP Grant; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

**WHEREAS**, the Agency finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the Agency finds that this contract 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 Agency Administrator is hereby authorized to negotiate and execute a contract for an amount not to exceed \$160,000 with Fehr and Peers to develop an Access Plan for the MacArthur BART Station as part of the MacArthur Transit Village Project; and be it

**FURTHER RESOLVED:** That the Agency waives the requirement that Fehr and Peers comply with the Local and Small Local Business Enterprise Program; and be it

**FURTHER RESOLVED:** That the 3% Contract Compliance fee for this contract shall be paid from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669); and be it

**FURTHER RESOLVED:** That the Agency Administrator or her designee is hereby authorized to reimburse other City departments for fees related to the oversight of the work product completed under this contract; and be it

**FURTHER RESOLVED:** That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA guidelines; and be it

**FURTHER RESOLVED:** That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

**FURTHER RESOLVED:** That the Agency Administrator or her designee is hereby authorized to extend, amend (except as to increase compensation), and take whatever action is necessary with respect to this contract consistent with this Resolution and its basic purpose; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by Agency Counsel for form and legality prior to execution, and a copy shall be placed on file with the Agency Secretary.

**MAR - 7 2006**

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE — 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reid, DeLaFuente  
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ATTEST: Latonda Simmons  
LATONDA SIMMONS  
Secretary, Redevelopment Agency  
of the City of Oakland