

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- (A) AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT THE LAKE MERRITT PARKING MANAGEMENT PLAN BY INSTALLING PARKING METERS, SIGNS AND CURB PAINT ON THE FOLLOWING STREETS AND DESIGNATING THEM AS FLEXIBLE PARKING ZONES: BELLEVUE AVENUE FROM PERKINS STREET TO GRAND AVENUE, LAKESHORE AVENUE FROM MACARTHUR BOULEVARD TO LAKE MERRITT BOULEVARD, LAKE MERRITT BOULEVARD FROM EAST 12TH STREET TO OAK STREET AND LAKESIDE DRIVE FROM 14TH STREET TO HARRISON STREET;
- (B) APPROPRIATING \$250,000 DOLLARS FROM AVAILABLE FUND BALANCE IN THE GENERAL PURPOSE FUND FOR MATERIALS AND LABOR;
- (C) WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) COMPETITIVE SELECTION REQUIREMENT AND THE LOCAL BUSINESS/SMALL LOCAL BUSINESS REQUIREMENTS AND AMENDING AND EXTENDING THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH PARKMOBILE USA, INC. ("PARKMOBILE") FOR UP TO ONE YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR THE REIMBURSEMENT OF TRANSACTION FEES CHARGED TO PARKERS;
- (D) WAIVING THE RFP/Q COMPETITIVE SELECTION REQUIREMENT AND THE LOCAL BUSINESS/SMALL LOCAL BUSINESS REQUIREMENTS AND AMENDING AND INCREASING THE EXISTING CONTRACT WITH CONDUENT, INC. ("CONDUENT") FOR PARKING SYSTEM SERVICES IN THE AMOUNT OF \$876,000;

(E) AFFIRMING THAT THE DISTRICT BORDERING LAKE MERRITT WOULD BENEFIT FROM METERING 8AM-TO-8PM, SEVEN DAYS A WEEK; AND

(F) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, parking can support access to commercial areas and economic development, but can induce driving demand if parking is too widely available or inappropriately managed; and

WHEREAS, parking meters are a known and effective tool for managing parking demand, promoting turnover and availability, and increasing access to Oakland’s commercial areas; and

WHEREAS, the City’s parking system should be treated as an asset that helps bolster the economic vitality of neighborhood commercial areas, as stated in the City’s Parking Principles (Resolution No. 84664 CMS); and

WHEREAS, the Oakland Department of Transportation is tasked with improving transportation choices and minimizing parking demand, congestion, and pollution, such as through transportation demand management programs; and

WHEREAS, the City, through its Transit First Policy (Resolution No. 73036 CMS), supports a shift from private vehicles to public transit or other transportation modes that also reduces an individual’s transportation costs thereby freeing up personal resources for other important needs; and

WHEREAS, the interdepartmental Lake Merritt Working Group has recommended that parking meters be installed on the streets surrounding Lake Merritt including Bellevue Avenue from Perkins Street to Grand Avenue, Lakeshore Avenue from Macarthur Boulevard to Lake Merritt Boulevard, Lake Merritt Boulevard from East 12th Street To Oak Street and Lakeside Drive from 14th Street to Harrison Street in order to encourage turnover, reduce overcrowding and increase access to Lake Merritt to all Oaklanders and visitors; and

WHEREAS, the cost to install pay-by-plate parking meters, signage, and curb paint is approximately \$250,000 dollars with an additional \$500,000 per year in on-going operations and maintenance costs; and

WHEREAS, the City’s contract with Parkmobile USA, Inc. (“Parkmobile”) for mobile parking payment expires on August 1st, 2022. Extending this contract by one year will allow the City to efficiently maintain continuity and consistency for mobile payment users while a new, multi-vendor system is being developed; and

WHEREAS, additional contract capacity in the amount of \$876,000 is needed for the City’s contract with Conduent, Inc. (“Conduent”) for citation systems, parking permits and payment processing services; and

WHEREAS, the following streets around Lake Merritt would further benefit from being designated as “flexible parking zones” to allow for dynamic parking pricing that better reflects demand and increases access for those who need it: Bellevue Avenue from Perkins Street to Grand Avenue, Lakeshore Avenue from Macarthur Boulevard to Lake Merritt Boulevard, Lake Merritt Boulevard from East 12th Street To Oak Street and Lakeside Drive from 14th Street to Harrison Street; and

WHEREAS, OMC Section 2.04.042 requires a multiple-step solicitation process for the combined purchase of products and professional services by soliciting proposals, requiring vendor demonstrations when appropriate and feasible, and evaluating and rating proposals and performance in demonstrations on the basis of uniform criteria to be determined by the City Administrator on a case-by-case basis, for the purchase of supplies, equipment, and computer software; and

WHEREAS, the City Administrator recommends that the Council make a finding and determination to waive the requirements of OMC section 2.04.042 and Ordinance Number 13640, and authorize the City Administrator to enter into an Agreement with Parkmobile USA, Inc. and with Conduent, Inc.; and

WHEREAS, staff believes it is in the best interest of the City to waive the competitive multi-step solicitation process requirement of Oakland Municipal Code (OMC) section 2.04.042 B. pursuant to OMC section 2.0.4.042 D. based on the factors outlined in the staff report, including the fact that both Parkmobile USA, Inc. and Coduent, Inc. are already core technology systems within the Oakland Finance Department and Department of Transportation, providing needed parking payment and parking citation services to the City and to pivot to a different contractor with a new system would cause significant disruption to operations, as well as detrimental fiscal impact to fund the capital investment needed to implement a new system; and

WHEREAS, Ordinance number 13640 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (“LBE/SLBE”) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and

WHEREAS, there are no LBE/SLBEs available that can provide the technology and services in Oakland that are required by the City under these contracts and City programs. Therefore, staff requests that the Council waive the LBE/SLBE requirement; and

WHEREAS, the City Council finds and determines that the services provided pursuant to the contracts authorized hereunder are of a professional, scientific or technical nature and are temporary; and

WHEREAS, the awarding of these contracts will not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas; now, therefore, be it

RESOLVED: that the City Council reaffirms its support of the City's Parking Principles (Resolution No. 84664 CMS), including the active management of the parking system and the management of the parking system as part of a multi-modal transportation system; and be it

FURTHER RESOLVED: this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas; and be it

FURTHER RESOLVED: The City Council has independently reviewed and considered this environmental determination and finds and determines that the action complies with CEQA and directs the City's Environmental Review Officer to file a Notice of Exemption; and be it

FURTHER RESOLVED: That funding of upfront costs for parking meters, signs and paint, in the amount of \$250,000 dollars is hereby appropriated from available fund balance in the General Purpose Fund 1010, Mobility Management Organization 35247, Miscellaneous Contract Services Account 54919; and be it

FURTHER RESOLVED: That the Council hereby waives the multi-proposal solicitation requirement of OMC section 2.04.042 D for the award of a contract to Parkmobile USA, Inc. and to Conduent, Inc., because it finds that it is in the best interest of the City to do so pursuant to OMC section 2.04.042 D and for the reasons set forth in the Resolution and in the staff report that accompanies it; and be it

FURTHER RESOLVED: That the Council hereby waives the Local Business Enterprise/Small Local Business Enterprise participation requirement because there are no LBE/SLBEs available that can provide the technology and services in Oakland that are required by the City under these contracts and City programs; and be it

FURTHER RESOLVED: That the City's agreement with Parkmobile be extended up to one additional year for a total annual not to exceed amount of \$250,000 dollars; and be it

FURTHER RESOLVED: That additional contract capacity for the City's agreement with Conduent in the amount of \$876,000 dollars, in support of increased citation, permit and payment processing services, is hereby authorized; and be it

FURTHER RESOLVED: that the City Council directs the City Administrator to include provisions in support of the Lake Merritt Parking Management Plan and their associated costs and revenues in the Mid-Cycle Fiscal Year 2022-2023 Budget, allowing for further public discussion and review of the plans fiscal impacts; and be it

FURTHER RESOLVED: That the City Council designate the following streets as flexible parking zones, as allowed under O.M.C section 10.36.142, and operate parking meters seven-days a week, 8AM-to-8PM: Bellevue Avenue from Perkins Street to Grand Avenue, Lakeshore Avenue from Macarthur Boulevard to Lake Merritt Boulevard, Lake Merritt Boulevard from East 12th Street To Oak Street and Lakeside Drive from 14th Street to Harrison Street; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications to said agreements with the exception of those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California