


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OAKLAND AND DOVER, KOHL & PARTNERS IN THE AMOUNT OF TWO HUNDRED FOURTEEN THOUSAND ONE DOLLARS (\$214,001), PLUS AN ADDITIONAL PROJECT CONTINGENCY AMOUNT OF TWENTY-ONE THOUSAND, FOUR HUNDRED DOLLARS (\$21,400) FOR ENHANCED SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT

WHEREAS, on November 18, 2014, the City Council adopted Resolution No. 85272 C.M.S. authorizing the City of Oakland (herein referred to as "City") to apply for, accept and appropriate \$750,000 in Metropolitan Transportation Commission ("MTC") funding under the Priority Development Area (PDA) Planning grant program and enter into a funding agreement with MTC for the PDA Planning grant funds, and appropriate \$750,000 in community benefit funds from the Jack London Redevelopment Project, and allocate \$100,000 of the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grants funding for the Downtown Specific Plan; and

WHEREAS, the City and MTC entered into a Funding Agreement for the Downtown Oakland Specific Plan on March 16, 2015, which required the City to engage a consultant to perform the project tasks as specified in the Funding Agreement's Scope of Work; and

WHEREAS, Oakland City Council Resolution No. 85584 C.M.S., adopted on April 30, 2015, authorized the City Administrator to negotiate and execute a Professional Services Agreement with Dover, Kohl & Partners for development of the Downtown Oakland Specific Plan and EIR in an amount not to exceed One Million Dollars (\$1,000,000); and

WHEREAS, Oakland City Council Resolution No. 86588 C.M.S., adopted on February 7, 2017, authorized the City Administrator to execute a Professional Services Agreement with I-SEED team of consultants in an amount not to exceed \$255,000 to prepare an Equity Assessment and conduct additional community engagement, and to amend the Professional Services Agreement (Contract Amendment #1) between the City of Oakland and Dover, Kohl & Partners in the amount of \$453,440, plus a contingency of \$45,000, and to apply for, accept and appropriate \$600,000 from the Federal Transit

Administration (FTA) for enhanced transportation, economic and environmental analysis to develop a comprehensive transit-oriented development strategy for downtown Oakland, as well as to enter into a memorandum of understanding with Bay Area Rapid Transit District (BART) for the FTA Transit-Oriented Development Pilot Program grant funds to include an in-kind contribution of \$100,000 towards the project as local match, through the provision of services by City staff; and

WHEREAS, the Equity Assessment prepared to inform the specific plan required a time extension of the larger project due to the stopping of the specific plan preparation process to add an equity team and restarting the process, and then extending out the project to add both a Plan Options Report to assess for equity impacts and other community concerns and a Preliminary Draft Plan responding to that assessment; and

WHEREAS, a Preliminary Draft Plan was added as a deliverable to provide the community an early detailed preview of the direction of the specific plan accompanied by extensive community engagement including 18 stakeholder group meetings, eight city advisory board meetings and public hearings and three community events without additional compensation for Dover, Kohl and Partners; and

WHEREAS, the simultaneous preparation of the Draft Plan and Draft EIR required more coordination than originally scoped and additional environmental analysis to account for final policy and development program recommendations included in the Draft Plan; and

WHEREAS, the City met the FTA grant deadline to deliver both a Draft Plan and a Draft EIR by August of 2019, however, the simultaneous preparation of both documents, under intense time constraints, led to inefficiencies; and

WHEREAS, the level of effort to respond to the thousands of community comments submitted on the Draft Plan and Draft EIR was greater than the level of effort anticipated by the original scope of work; and

WHEREAS, an additional \$214,001 is needed, above the Contract Amendment #1 amount of \$1,353,440 for Dover, Kohl and Partners to account for extended timeline to prepare the Final Draft Plan, respond to extensive community comments and prepare the Final EIR, plus a project contingency of \$21,400 for an overall project amendment of \$235,401 without returning to City Council; and

WHEREAS, the additional tasks for the enhanced amended contract with Dover, Kohl & Partners (\$214,001) would increase the original Professional Services Agreement contract amount by \$1,567,440.79, plus a contingency of \$21,400 for an overall increase of \$1,588,840.87 from the original Oakland City Council Resolution No. 8584 C.M.S; and

WHEREAS, funds to cover the increase of \$235,401 to the original contract amount are available from the Planning & Building Department fund 2415: (\$214,001) for the enhanced contract with Dover, Kohl & Partners; and (\$21,400) for project contingency; and

WHEREAS, planning and feasibility studies are exempt from CEQA (CEQA Guidelines Section 15262 (feasibility and planning studies), Section 15306 (information

collection), Section 15061(b)(3) (general rule) and Section 15183 ("Projects consistent with a General Plan or Zoning"); and

WHEREAS, the City Council finds and determines that the performance of 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 City Administrator, or her designee, is hereby authorized to amend the professional services agreement with Dover, Kohl & Partners and sub-consultants, for the preparation of the Downtown Oakland Specific Plan and EIR, for an additional amount of \$214,001, plus a project contingency of \$21,400 for an overall project amendment of \$235,401 without returning to City Council; and be it

FURTHER RESOLVED: That the Planning and Building Department funds have been identified totaling \$235,401 available in Development Services Fund (2415) unrestricted fund balance, to be appropriated into Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54930), Downtown Specific Plan Contingency Project (1001420), and the, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

FURTHER RESOLVED: That the total project not to exceed amount is \$2,588,841 which is an aggregate of funds described above without returning to City Council; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered the environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 ("Projects consistent with a General Plan or Zoning"); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator and his or her designee to enter into and execute any agreements that are consistent with the purpose and intent of this Resolution; and be it

FURTHER RESOLVED: That the professional services agreement shall be reviewed and approved by the City Attorney for form and legality, and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California