

FILED
OFFICE OF THE CLERK OF THE CITY OF
OAKLAND CITY COUNCIL


Deputy City Attorney

2012 NOV 14 PM 1:10
RESOLUTION No. 84121 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH LSA ASSOCIATES, INC. TO INCREASE THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$66,606 FOR A TOTAL CONTRACT AMOUNT OF \$426,606 FOR ADDITIONAL ENVIRONMENTAL REVIEW SERVICES FOR THE 2012 OAKLAND ARMY BASE PROJECT

WHEREAS, the City, through its predecessor in interest, the Redevelopment Agency of the City of Oakland (the “Agency”), entered into an Exclusive Negotiating Agreement (“ENA”) dated January 22, 2010 with AMB Property, LP and California Capital Group (reorganized as Prologis Property, LP and CCIG Oakland Global, LLC) (collectively “Developer”) for the potential redevelopment of a portion of the former Oakland Army Base (“OARB”), including (inter alia) the City’s remediation of Hazardous Materials and development of the public infrastructure (“Public Improvements”) and Developer’s construction and operation of a mixed-use project, including logistics and warehousing, commercial, including billboards, maritime, rail, open space uses and other approved uses (“Private Improvements”). Together the Public Improvements and the Private Improvements constitute the “Project”; and

WHEREAS, to address the costs associated with the preparation, review and production of environmental compliance documentation (the “Environmental Document”), among other things, the ENA was amended on August 10, 2010 by a First Amendment to the ENA (the “First Amendment”); and

WHEREAS, the First Amendment provided that the Agency shall contract with LSA Associates, Inc. (“LSA”) to prepare the Environmental Document. LSA’s contract for the Environmental Document was not to exceed \$360,000, with a cap on the Agency’s contribution toward the contract amount of \$240,000 and with Developer being responsible for all costs exceeding the Agency’s cap; and

WHEREAS, the Environmental Document required additional analysis to complete; and

WHEREAS, the LSA costs to provide the additional analysis exceeded the agreed upon maximum contract cost of \$360,000 by \$66,606; and

WHEREAS, in accordance with the public-private nature of this Project and additional Environmental Document costs beyond those originally anticipated, the City Council approved, by Resolution 83934 C.M.S., an agreement between the City and Developer to share equally Environmental Document preparation and processing costs up to \$503,000; and

WHEREAS, on March 3, 2011, the Agency and the City entered into a Funding Agreement approved by City Council Resolution No. 83256 C.M.S. and Agency Resolution No. 2011-0027

C.M.S., whereby the Agency assigned to the City, and the City accepted, all responsibilities in relation to the administration of any programs funded under the Funding Agreement, and all contracts entered into by the Agency, including professional services agreements funded under the Funding Agreement; and

WHEREAS, on January 31, 2012, pursuant to the Funding Agreement, the Agency transferred its assets and obligations, including the contract with LSA, to the City; and

WHEREAS, the City and LSA desire to amend LSA's contract to reflect LSA's performance of a broadened scope of services and to increase the compensation to be paid to LSA by an amount not to exceed \$66,606 for a total contract amount of \$426,606; now, therefore be it

RESOLVED: That the City Administrator is hereby authorized to execute an amendment to LSA's contract increasing the amount by not to exceed \$66,606, for a total contract amount of \$426,606; and be it

FURTHER RESOLVED: That funding for the amendment shall come from the Joint Infrastructure Development Fund (5672), CIP Oakland Army Base Organization (94879), Infrastructure Master Plan Project (C415720); and be it

FURTHER RESOLVED: That the City Administrator and his or her designee is authorized to take whatever action is necessary to implement the amendment to LSA's contract consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this action is exempt from the requirements of the California Environmental Quality Act (CEQA) for the reasons stated in the City Council Agenda Report.

DEC 4 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks, Brunner~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 6

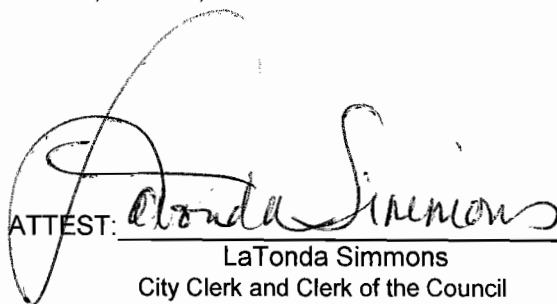
NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

Excused - Brunner - 1

ATTEST:


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