


22 JUN 23 PM 7:15

APPROVED AS TO FORM AND LEGALITY

  
Celso Ortiz (Jun 16, 2022 13:48 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89292 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:**

- (1) ACCEPT AND APPROPRIATE SUSTAINABLE TRANSPORTATION EQUITY PROJECT (STEP) GRANT FUNDS IN THE AMOUNT OF SEVEN MILLION SIX HUNDRED SIXTY-FIVE THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS AND NINETY-NINE CENTS (\$7,665,371.99) TO IMPLEMENT THE WEST OAKLAND STEPS PROGRAM, ADMINISTERED BY THE CALIFORNIA AIR RESOURCES BOARD (CARB); AND
- (2) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH OAKLAND PARKS AND RECREATION FOUNDATION AS A FISCAL AGENT FOR THE WEST OAKLAND ENVIRONMENTAL INDICATORS PROJECT, URBAN BIOFILTER, AND WEST OAKLAND GREEN INITIATIVE IN AN AMOUNT NOT-TO-EXCEED TWO MILLION EIGHT HUNDRED EIGHTY-FOUR THOUSAND TWO HUNDRED DOLLARS AND ZERO CENTS (\$2,884,200.00); AND
- (3) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE CRUCIBLE IN AN AMOUNT NOT-TO-EXCEED THREE HUNDRED SIXTY-FOUR THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS AND NINETY-FIVE CENTS (\$364,329.95); AND
- (4) WAIVE THE CITY'S COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS SELECTION PROCESS; AND
- (5) ALLOCATE TWO MILLION EIGHT HUNDRED NINETY-THREE THOUSAND NINE HUNDRED FIFTY-SIX DOLLARS (\$2,893,956) IN LOCAL MATCH; AND
- (6) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, on June 4, 2020, the STEP Program, administered by the California Air Resources Board, issued a grant solicitation of up to twenty-two million dollars (\$22,000,000) for implementation of grant-funded activities to improve transportation access, reduce greenhouse gas emissions, and improve public health and the environment, particularly in disadvantaged communities; and

WHEREAS, the grant solicitation heavily favored collaboration with community-based organizations to overcome barriers to clean transportation and to increase transportation equity in

low-income communities as well as favored projects that are priorities for historically underserved residents by requiring that projects center the knowledge and expertise of residents; and

**WHEREAS**, the West Oakland Community Action Plan (WOCAP), a community-driven emissions reduction plan, recommended eighty-four strategies based on local knowledge, health issues confronting residents, and air pollution monitoring data, and these strategies include lowering emissions, reducing exposure, and improving transportation options; and

**WHEREAS**, the Oakland Department of Transportation partners with Community Based Organizations (CBOs) and non-profits to support and enhance planning, engagement, and policy work; and

**WHEREAS**, the Oakland Department of Transportation developed the West Oakland Sustainable Transportation Equity Project (West Oakland STEP) grant application in collaboration with the West Oakland Environmental Indicators Project, Oakland Parks and Recreation Foundation, West Oakland Green Initiative, Urban Biofilter, and The Crucible based on their experience and strong roots in West Oakland; and

**WHEREAS**, the West Oakland STEP grant would be implemented by the City with the following project partners: West Oakland Environmental Indicators Project, Oakland Parks and Recreation Foundation, Urban Biofilter, West Oakland Green Initiative, and The Crucible; and

**WHEREAS**, the West Oakland STEP grant implements four (4) projects consistent with WOCAP, including West Oakland Truck Management Plan (TMP) Implementation, West Oakland Pedestrian Improvements and Urban Greening, West Oakland Bike Resource Hub, and West Oakland Transit Improvements; and

**WHEREAS**, the TMP was adopted in 2019 and included strategies to reduce the impact of truck travel on local West Oakland streets; and

**WHEREAS**, the grant implements three of these strategies, including improving truck route signage, truck and trailer parking enforcement, and truck traffic calming recommendations; and

**WHEREAS**, the preparation of the TMP was undertaken expressly to comply with and to implement the Oakland Army Base Standard Conditions of Approval/Mitigation Monitoring and Reporting Plan (SCA/MMRP), which states: "The City and the Port shall continue and shall work together to create a TMP designed to reduce the effects of transport trucks on local streets." This action of implementing the TMP by updating the West Oakland truck route signage, enhancing truck parking enforcement, and calming truck traffic complies with the requirements of SCA/MMRP. This action implements a previous mitigation measure and, as a result, there is no new information or substantial changes to the previously certified EIR and approved Addendum requiring further analysis pursuant Public Resources Code Section 21166 and CEQA Guidelines Section 15162. In addition, Staff has also determined that the implementation of the TMP is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), 15308 (actions by regulatory agencies for protection of the environment), and 15061(b)(3) (common sense exemption). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the grant-funded West Oakland Pedestrian Improvements and Urban Greening Project includes building up to 2.3-miles of sidewalks, planting up to 2,000 trees and shrubs, and developing a community-based stewardship model; and

**WHEREAS**, the West Oakland Pedestrian Improvements and Urban Greening Project, is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the grant-funded West Oakland Bike Resource Hub includes free monthly workshops, free Earn-A-Bike programming, free bike repair services, and installing fix-it bike stations throughout West Oakland; and

**WHEREAS**, the West Oakland Bike Resource Hub project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the grant-funded West Oakland Transit Improvements Project includes upgrading 14 bus stops in West Oakland and providing universal basic mobility wallets to 1,000 West Oaklanders; and

**WHEREAS**, the West Oakland Transit Improvements Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, using grant funding, Oakland Department of Transportation staff is requesting to enter into a professional services agreement with the Oakland Parks and Recreation Foundation for \$2,884,200.00 to plan and implement urban greening activities and to serve as the fiscal sponsor for the West Oakland Environmental Indicators Project, Urban Biofilter, and West Oakland Green Initiative; and

**WHEREAS**, with this grant, the West Oakland Environmental Indicators Project will convene a steering committee to oversee grant implementation, select participants for the steering committee, and disburse stipends for steering committee participants; and

**WHEREAS**, with this grant, Urban Biofilter will prioritize tree planting locations, develop and implement a community-driven stewardship program for West Oakland urban green spaces, and collect and model air quality data; and

**WHEREAS**, with this grant, the West Oakland Green Initiative will develop educational materials; and

**WHEREAS**, with this grant, the Oakland Parks and Recreation Foundation will purchase and plant up to 2,000 plants and shrubs in West Oakland, hire additional community partners and organizations to facilitate tree planting, and serve as fiscal sponsor for West Oakland Environmental Indicators Project, West Oakland Green Initiative, and Urban Biofilter; and

**WHEREAS**, using grant funding, Oakland Department of Transportation staff is requesting to enter into a professional services agreement with The Crucible for three hundred sixty-four thousand three hundred twenty-nine dollars and ninety-five cents (\$364,329.95) to implement bicycle education and encouragement activities, distribute bicycles, and provide maintenance equipment; and

**WHEREAS**, Oakland Municipal Code (OMC) section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$50,000 and OMC section 2.04.051.B allows the City Council to waive the RFP/Q requirements upon a finding by the City Council that it is in the best interest of the City to do so; and

**WHEREAS**, City staff recommends waiving the RFP/Q requirements for this contract based on the following factors:

- **Unique Service:** As community-based organizations with longstanding history of working with West Oakland residents, the West Oakland Environmental Indicators Project, West Oakland Green Initiative, Oakland Parks and Recreation Foundation, Urban Biofilter, and The Crucible are uniquely positioned to engage West Oakland residents and stakeholders on important planning issues, and their trust and credibility enhance the community outreach that the City could do on its own; and
- **Efficiencies:** The West Oakland Environmental Indicators Project has assisted with past and ongoing City projects, including the West Oakland Community Action Plan and the Grand Avenue Mobility Plan, and these existing relationships would lead to efficiencies as the organization is well versed with the City and its processes. The Oakland Parks and Recreation Foundation is working with the City on implementation of the Transformative Climate Communities (TCC) grant in East Oakland and the learnings from that grant project can be applied to West Oakland; and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreements authorized hereunder are professional, and are temporary in nature; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Administrator has determined 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 services; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to accept and appropriate STEP Program Grant funds in the amount of Seven Million, Six Hundred Sixty-Five Thousand Three Hundred Seventy-One Dollars and Ninety-Nine Cents (\$7,665,371.99) for the West Oakland STEP grant, administered by the California Air Resources Board; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into the West Oakland STEPS Grant Funding Agreements for this project as described; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to execute a Professional Services Agreement with the Oakland Parks and Recreation Foundation; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to execute a Professional Services Agreement with The Crucible; and be it

**FURTHER RESOLVED:** That the total amount of the agreement with the Oakland Parks and Recreation Foundation shall not exceed \$2,884,2000.00; and be it

**FURTHER RESOLVED:** That the total amount of the agreement with The Crucible shall not exceed \$364,329.95; and be it

**FURTHER RESOLVED:** That these Agreements with Oakland Parks and Recreation Foundation and The Crucible shall be executed contingent upon available funding and will be funded from the proceeds of the California Air Resources Board grant; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby authorized to accept and appropriate, as needed, funds for the same purposes described above and consistent with this resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That the City Council hereby finds that it is in the best interests of the City to waive the City's RFP/Q requirements pursuant to OMC section 2.04.051.B based upon the reasons and circumstances discussed above and in the staff report that accompanies this Resolution and so hereby waives the requirements; and be it

**FURTHER RESOLVED:** That said agreements shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City will allocate two million eight hundred ninety-three thousand nine hundred fifty-six dollars (\$2,893,956) in local match from the following sources:

- West Oakland Transit Improvement (WOTI) Project (No. 1006302), Complete Street Design Organization (35212), Alameda County Transportation Commission Fund (2214), Task (8.0), Award (24142); and
- West Oakland Transit Improvement (WOTI) (Project No. 1006302), Complete Street Design Organization (35212) & Engineer Design: Streets Organization (92242), Measure KK Fund (5335), Task (8.0), Award (23941); and

- Complete Streets Capital (Project No. 1003348), Complete Street Design Organization (35212) & Engineer Design: Streets Organization (92242), Measure KK Fund (5335), Task (8.0), Award (23941); and be it

**FURTHER RESOLVED:** That the Council finds and determines that the West Oakland Bike Resource Hub project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the Council finds and determines that the West Oakland Transit Improvements Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Council directs the City's Environmental Review Officer to file a Notice of Exemption with the County of Alameda for the West Oakland Truck Management Plan Implementation Project, West Oakland Pedestrian Improvements and Urban Greening Project, West Oakland Bike Resource Hub Project, and West Oakland Transit Improvements Project; and be it

**FURTHER RESOLVED:** That the contracts and amendments authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and shall be placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 5 2022

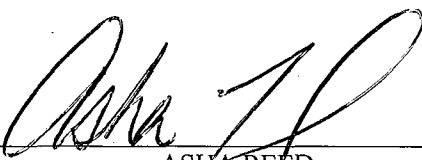
PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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