

CITY OF OAKLAND
COUNCIL AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND

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TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: September 14, 2004

RE: A resolution authorizing the City Administrator to accept and appropriate a contribution of \$300,000 from the Port of Oakland for the development of the Union Point Park Project (C196810); and to amend the project management agreement with Spanish Speaking Unity Council to reflect the increased total project budget from \$8,674,000 to \$8,974,000.

SUMMARY

The Council is requested to authorize the City Administrator to accept and appropriate a contribution of \$300,000 donated by the Port of Oakland (Port) for the Union Point Park to provide public access improvements; and to amend the contract with Spanish Speaking Unity Council (Unity Council) to reflect the project budget increase from \$8,674,000 to \$8,974,000.

Union Point Park is a project identified in the City's Capital Improvement Plan for FY 2003-2008. The park is located along the Oakland Embarcadero and contains three parcels of land totaling approximately nine acres of waterfront property. The City leases the property from the Port of Oakland. The first part of the park being developed consists of six acres known as Parcel One. Parcel Two and Three consist of approximately three additional acres known as the Cryer site. The construction of Parcel One is near completion.

In June 2004, the San Francisco Bay Conservation and Development Commission (BCDC) issued Permit No. 1-03 to the Port in connection with the Port's Berths 32/33 Wharf Rehabilitation Project along the Port's Outer Harbor (the "BCDC Permit"). BCDC, as a part of the permit and mitigation measure related to the repair and modernization of Port Berth 32 and 33, requires the Port to provide to City of Oakland and the Unity Council funds to be spent on improvements to the Union Point Park Project for Public Access Improvements.

FISCAL IMPACT

Approval of the proposed resolution will authorize the acceptance and appropriation of \$300,000 from the Port of Oakland, which will be placed in the General Purpose Fund (1010), Project

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Development Division (30234), in a new project number which will be established upon approval of the resolution.

The project has a total funding of \$8,674,000 from the City and the Spanish Speaking Unity Council. The City has control of funding for the project from the following sources: 1) \$1,419,000 from the State of California Department of Parks and Recreation Murray Hayden Urban Parks and Youth Services Program for Union Point Park under project no. C196810 (Fund 2134); 2) \$490,000 allocated for park capital improvements including site remediation under City local bond Measure K, Series 2000D Acquisition, in project no. C196820 (Fund 5014); and 3) \$4,000,000 from Oakland Trust for Clean Water and Safe Parks, Measure DD, under project no. C243110 (Fund 5320). Total funding available through the City of Oakland is \$5,909,000. The additional \$300,000 contribution from the Port will be under the City's Control.

The Unity Council has control of the following funding: 1) \$1,555,000 from California State Coastal Conservancy (1999 State Senator Don Perata's Members Request); 2) \$710,000 from California State Coastal Conservancy for master plan development and park design; and 3) \$500,000 from the San Francisco Bay Trail Program funding via California State Coastal Conservancy. Please note the correction that Unity Council has \$710,000 from California State Coastal Conservancy rather than \$720,000 as stated in previous reports. The fund has been used by Unity Council during the Master Plan development stage. Total funding available through Unity Council is therefore \$2,765,000.

A summary of the anticipated future maintenance and operation costs for the completed project is presented herein.

The project includes new infrastructure such as restrooms, intricate play equipment, parking lots, park lighting, steel pergola structure, and drainage system. Based upon the completed design documents, staff is able to estimate the future maintenance requirements for the proposed park as follows:

Landscape Maintenance – Estimate a need for 1.0 FTE Gardener at \$57,236, 0.1 FTE Irrigation Repair Specialist at \$7,202, 0.1 FTE Park Equipment Operator at \$7,202, or an aggregate cost of \$71,640 per year. Landscape maintenance supplies such as fertilizer, mulch, hand tools, and replacement plants will cost \$800 per year. Overall plumbing and park area maintenance of \$10,000 per year. Water and electricity utilities are estimated to cost \$12,000 per year.

Restroom Maintenance – Updated estimate need of \$5,000 per year for maintaining the restroom depending on vandalism factor and \$1,500 for janitorial supplies.

The total maintenance cost is expected to be approximately \$101,000 per year, which is in the same order of magnitude per the preliminary estimates in the previous reports.

The above costs for operation and maintenance will be brought forward for consideration by the City Council during the next fiscal year budget cycle.

BACKGROUND

The City approved a Resolution No. 75774 C.M.S. in September 2000 for the Spanish Speaking Unity Council to develop the master plan and the design for the Union Point Park project when Unity Council received a grant from the California State Coastal Conservancy (CSCC). The park Master Plan was completed and formally adopted by the City Council in June 2000. On September 30, 2003, City Council approved and amended Unity Council's initial design contract to allow the Unity Council to complete the design of the first phase of the development. The first phase construction started in March 2004.

The Union Point Park project currently has total funding of \$8,674,000 available combined between the City of Oakland and Unity Council from various funding sources as described under Fiscal Impact above.

The project is currently under construction for Phase I of the improvements.

KEY ISSUES AND IMPACTS

Union Point Park project began with the funding granted by CSCC to Unity Council. Unity Council worked closely with the community to complete the master plan and helped develop the vision for this park. Unity Council is now working with the City to implement the Master Plan from design through construction.

The City contracted with Unity Council to provide full project management services to coordinate and contract for design services, implement the bidding process, assist in construction award, and oversee construction. However, the project construction is contracted directly between the City and the contractor as required by State law. The contract with Unity Council addresses the funding mechanism to disburse the funds in Unity Council's control to the City's construction contractor.

The Port is currently working on a project rehabilitating the wharves at Berths 32/33 along the Oakland Estuary. The Port's project involves upgrade of terminals, wharves and container yards. In performing the project, the Port will be extending the wharves into the Oakland Estuary and thus increasing fill to the Estuary. In addition, The Port's project will not provide public access. As a condition of the BCDC permit, Port of Oakland agreed to provide in-lieu funding of \$300,000 to the City for the Union Point Park project which is a project that provides public access along the Oakland waterfront.

The Port and BCDC agreed on Union Point Park as the selected project to receive the funds due to the fact that it is in construction, located along the waterfront under the jurisdiction of BCDC, and provides public access.

The \$300,000 fund is specifically designated for use to pay for construction of certain public access improvements at the Union Point Park: (1) \$200,000 shall be spent on improvements to the “Main Picnic Area”, including a picnic pergola, canopies, furnishings and stone walls; and (2) \$100,000 shall be spent on improvements to the “Union Point Hill” pedestrian entrance/ drop off areas including a pergola supported by a large mast and series of cables extending above the hill. The donation will be effected via an agreement between the City and the Port.

The remaining Cryer site will be an extension of the Union Point Park project to provide expanded amenities serving the public in the future. The development of the Cryer site is in preliminary stages. The City is actively seeking potential state and federal funding sources for this future project. The development of the Cryer site will need to address environmental issues, project requirements, and the funding availability before becoming a fully feasible project.

The Union Point Park project supports Council’s Goal #3 to Improve Oakland Neighborhoods and #6 to Maintain and Enhance Oakland’s Physical Assets. The park will provide enhanced pedestrian paths along the waterfront and enhance the quality of life for the neighborhood with a new park setting that could attract commercial interest. The improvement of the site also meets City Council’s Goal #4 for Support of Youth to provide a place for quality recreational programs for children and youth.

PROJECT DESCRIPTION

The project will develop the six-acre site leased from the Port of Oakland along the Oakland waterfront between Dennison Street and E. 7th Street. The improvements will include new restroom facilities, open-space playing fields, children’s playground, waterfront trails, picnic and barbeque areas, parking lot, multipurpose play courts, and community gathering spaces, etc. Union Point Park will continue to serve as the access to the existing Union Point Marina located at the waterfront, adjacent to Union Point Park.

The six-acre site project is to be developed in two phases. The first phase of the project, which has just been completed, includes site grading, underground utilities, remediation, and completion of two new parking lots. The second phase will include improvements set out in the Master Plan as described above and is expected to begin shortly. The second phase is scheduled to complete by Spring 2005.

The donated funds of \$300,000 will be utilized for improvements to the “Main Picnic Area” consisting of picnic pergola, canopies, furnishings, stone-walls, and a large pergola around a portion of the “Union Point Hill” with pedestrian entrance/ drop off areas.

SUSTAINABLE OPPORTUNITIES

Economic: The project can provide employment opportunities during project construction.

Environmental: The project design will incorporate sustainability design and recycled-content materials to the extent possible. The construction of the project will address storm water pollution prevention requirements as well as comply with the City’s mandate for construction waste reduction and recycling. The completed park also incorporates an environmentally friendly drainage system by utilizing bio-swales to filter sediments and vehicle discharges from entering into underground systems that ultimately is discharged into the bay.

Social Equity: The project will provide new amenities for recreational use to the community, including at-risk youth, as well as improve the quality of the environment, and emphasize the waterfront as an asset of the City.

DISABILITY AND SENIOR CITIZEN ACCESS

The developed park will comply with the California Code of Regulations, Title 24 and ADA Accessibility Guidelines. This includes physical features for disability access, disabled parking spaces, accessible walkways, restrooms, drinking fountains, and accessible children’s play areas, etc.

RECOMMENDATION(S) AND RATIONALE

It is recommended that Council authorize the City Administrator to accept a donation for the construction at Union Point Park and authorize the City Administrator to amend an agreement with the Spanish Speaking Unity Council to increase the total project budget to include the donation amount.

ACTION REQUESTED OF THE CITY COUNCIL

City Council is requested to approve the resolution accepting a contribution of \$300,000 from the Port of Oakland for the development and construction of the Union Point Park project and to amend the project management services agreement with the Spanish Speaking Unity Council to increase the total project budget from \$8,674,000 to \$8,974,000.

Respectfully submitted,


RAUL GODINEZ II
Director, Public Works Agency

Reviewed by:
David Lau, Manager
Project Delivery Division
Public Works Agency

Prepared by:
Lily Soo Hoo, C.I.P. Coordinator
Project Delivery Division
Public Works Agency

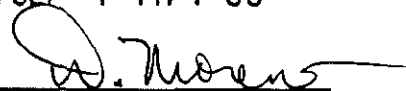
APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO: _____ C.M.S. 04 SEP - 1 PH 1:53



A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF \$300,000 FROM THE PORT OF OAKLAND FOR THE DEVELOPMENT OF THE UNION POINT PARK PROJECT (C196810); AND TO AMEND THE PROJECT MANAGEMENT CONTRACT WITH SPANISH SPEAKING UNITY COUNCIL TO REFLECT THE INCREASED TOTAL PROJECT BUDGET FROM \$8,674,000 TO \$8,974,000.

WHEREAS, Union Point Park is a new nine-acre park development site located along Embarcadero of the City of Oakland water front, bounded on the north by Dennison Street, the Union Point Basin Marina and the Oakland Estuary to the West, and Con Agra concrete at the south; and

WHEREAS, the development of the first phase involves Parcel 1 consisting of approximately six-acres to the south of the site; and

WHEREAS, the City contracted Spanish Speaking Unity Council (Unity Council) to develop the said park; and

WHEREAS, the Port of Oakland wishes to donate funding, as a part of the mitigation measure in conjunction with the repair and modernization of Port Berth 32 and 33, and to provide public access improvements; and

WHEREAS, Unity Council has received grants from California State Coastal Conservancy (\$1,555,000 and \$710,000) and San Francisco Bay Trails Program (\$500,000) totaling \$2,765,000; and

WHEREAS, the City has funding from the Proposition 12 State of California Department of Parks and Recreation Murray Hayden Urban Parks and Youth Services Program (\$1,419,000), Measure K - Series 2000D Acquisition Fund (\$490,000), and Oakland Trust for Clean Water and Safe Parks - Measure DD (\$4,000,000) totaling \$5,909,000; and the above funding constitute a total of \$8,674,000 available for the project; and

WHEREAS, the City and Unity Council is in construction for the said project development; and

WHEREAS, the development of the Union Point Park project would benefit the City and the Oakland community at large; and

WHEREAS, the City wishes to accept the donation of funds from the Port of Oakland to complete the project; and

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WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; 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 services and that the services are of a professional and temporary in nature; now therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to accept a contribution of three hundred thousand (\$300,000) from the Port of Oakland towards the development and implementation of the Union Point Park project, and to amend the project management services contract to oversee the design, development and implementation of said Park project with Unity Council to increase the total project budget from eight million six hundred seventy-four thousand dollars (\$8,674,000) to eight million nine hundred seventy-four thousand dollars; (\$ 8,974,000) and, be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved by City Attorney for form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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ATTEST: _____
CEDRIC ENRICHMENT CMTE
City Clerk and Clerk of the Council
of the City of Oakland, California
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