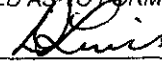


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AGENCY COUNSEL

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

RESOLUTION NO. 2006-0012 [≡] C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH TERENCE O'HARE ASSOCIATES TO INCREASE THE CONTRACT AMOUNT BY \$75,000 FROM \$125,000 TO A TOTAL OF \$200,000 TO PROVIDE PLANNING SERVICES FOR THE ENVIRONMENTAL REVIEW PROCESS FOR THE MACARTHUR TRANSIT VILLAGE PROJECT; AND TO WAIVE COMPLIANCE WITH THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

WHEREAS, the Redevelopment Agency of the City of Oakland is working to redevelop the MacArthur BART Station and the surrounding properties into a transit village; and

WHEREAS, the MacArthur Transit Village project is within the Broadway/MacArthur/San Pablo Redevelopment Project Area; and

WHEREAS, the Five Year Implementation Plan for the Broadway/MacArthur/San Pablo Redevelopment Project, adopted on July 25, 2000 (Ordinance No. 12269 C.M.S.), includes the MacArthur Transit Village project; and

WHEREAS, the Agency executed a professional services contract with Terence O'Hare Associates to provide planning services for the environmental review process for the MacArthur Transit Village project and two other Agency projects in January 2003; and

WHEREAS, work on the environmental review process for the MacArthur Transit Village project was delayed due to a change in the development team for the project; and

WHEREAS, the Agency now plans to start the environmental review process for the MacArthur Transit Village project in February 2006; and

WHEREAS, Terence O'Hare Associates is still under contract with the Agency to provide planning services to assist with the environmental review process for the MacArthur Transit Village project; and

WHEREAS, the Planning Division of the Community and Economic Development Agency has stated that they still require the services of Terence O'Hare Associates to assist with oversight of the environmental review process and review of all related documents; and

WHEREAS, the size and scope for the environmental review process for the MacArthur Transit Village project has been expanded considerably since 2003 due to changes in the proposed project and in City requirements for the environmental review process; and

WHEREAS, the Agency has determined that it is necessary to increase the total budget of the contract with Terence O'Hare Associates by \$75,000 in order to complete the work for this project; and

WHEREAS, the Agency has determined that the requirement that Terence O'Hare Associates comply with the Local and Small Local Business Enterprise Program shall be waived; and

WHEREAS, the Agency received a grant from the Alameda County Congestion Management Agency, deposited in MacArthur Transit Village CMA TIP Grant Project (Fund 9213, Project G214310, Redevelopment Projects Org 88669) to cover work related to the environmental review process for the project, which includes this contract; and

WHEREAS, the Agency plans to pay the 3% Contract Compliance fees for this contract from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) since they are not an eligible expense under the CMA TIP Grant; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

WHEREAS, the Agency finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the Agency finds that 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 Agency Administrator is hereby authorized to amend the Professional Services Agreement with Terence O'Hare Associates to increase the contract amount by \$75,000 from \$125,000 to a total of \$200,000 to provide planning services for the environmental review process for the MacArthur Transit Village Project; and be it

FURTHER RESOLVED: That the Agency waives the requirement that Terence O'Hare Associates comply with the Local and Small Local Business Enterprise Program; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to extend, amend (except as to increase compensation), and take whatever action is necessary with respect to this contract consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by Agency Counsel for form and legality prior to execution, and a copy shall be placed on file with the Agency Secretary.

MAR - 7 2006

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~, AND
~~CHAIRPERSON DE LA FUENTE~~ - 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reid, DeLaFuente - 2

ATTEST: 

LATONDA SIMMONS
Secretary, Redevelopment Agency
of the City of Oakland