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City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**2017 FEB -8 AM 11:00 RESOLUTION No. 86588 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:**

- A. EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH THE I-SEEED TEAM OF CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$255,000, , FOR SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN SOCIAL EQUITY STRATEGY; AND**
- B. AMEND THE PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF OAKLAND AND DOVER, KOHL & PARTNERS IN THE AMOUNT OF FOUR HUNDRED FIFTY THREE THOUSAND FOUR HUNDRED FORTY DOLLARS (\$453,440), PLUS AN ADDITIONAL PROJECT CONTINGENCY AMOUNT OF FORTY-FIVE THOUSAND DOLLARS (\$45,000) FOR AN OVERALL AMOUNT NOT TO EXCEED THE AMOUNT OF FOUR HUNDRED NINETY EIGHT THOUSAND FOUR HUNDRED FORTY (\$498,440), FOR ENHANCED SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT; AND**
- C. APPLY FOR, ACCEPT, AND APPROPRIATE SIX HUNDRED THOUSAND DOLLARS (\$600,000) FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) TRANSIT-ORIENTED DEVELOPMENT PILOT PROGRAM FUNDS FOR ENHANCED TRANSPORTATION, ECONOMIC AND ENVIRONMENTAL ANALYSIS TO DEVELOP A COMPREHENSIVE TRANSIT-ORIENTED DEVELOPMENT STRATEGY FOR DOWNTOWN OAKLAND THAT WILL HELP INCREASE TRANSIT RIDERSHIP BY ENCOURAGING REVERSE COMMUTING TO OAKLAND; AND**
- D. ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BAY AREA RAPID TRANSIT (BART) FOR THE FTA TRANSIT-ORIENTED, DEVELOPMENT PILOT PROGRAM FUNDS TO INCLUDE AN IN-KIND CONTRIBUTION OF \$100,000 TOWARDS THE PROJECT AS A LOCAL MATCH, THROUGH THE PROVISION OF SERVICES BY CITY STAFF, WITHOUT RETURNING TO COUNCIL.**

**WHEREAS**, on November 18, 2014, the City Council adopted Resolution No. 85272 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, filed 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**, the City and Dover Kohl & Partners entered into a Professional Service Agreement on July 1, 2015 for the provision of services related to preparation of the Downtown Oakland Specific Plan and Environmental Impact Report (EIR), as set forth in the Agreement, for an amount not to exceed \$1,000,000; and

**WHEREAS**, the City and the Bay Area Rapid Transit District (BART) were awarded a \$600,000 grant from the Federal Transit Administration (FTA) through the Federal Pilot Program for Transit-Oriented Development Planning Projects to conduct more in-depth circulation, economic and environmental analysis than was originally funded for Downtown Oakland Specific Plan. This work will bolster regional efforts to develop a comprehensive Transit-Oriented Development (TOD) strategy that accounts for transit capacity constraints in the Transbay Corridor. The grant activities are intended to help increase transit ridership by encouraging reverse commuting to Oakland. This set of activities will be complementary to the FTA Core Capacity funded improvements. The TOD strategy will be incorporated into the Downtown Oakland Specific Plan; and

**WHEREAS**, the majority of community feedback received to date during the community engagement process for the Downtown Specific Plan process has centered around issues of affordability, gentrification, displacement, and the perception that the Specific Plan outcomes will negatively affect historically marginalized communities of color. The City seeks to address these concerns by engaging in more community dialogue about these issues and developing social equity policy recommendations as part of the discussion. These conversations and the resulting policy recommendations will inform a social equity strategy for the Downtown Oakland Specific Plan; and

**WHEREAS**, the development of a social equity strategy for the Downtown Oakland Specific Plan will involve engaging a broad spectrum of the community to identify equitable outcomes and related policy recommendations, implementation priorities, accountability systems, and evaluation tools that address disparities related to race, ethnicity and socioeconomic status, and build capacity for positive social change. This will take the framework of short-term and long-term solutions to advance overall equitable development in the Downtown area; and

**WHEREAS**, the City issued and advertised a competitive Request for Proposals (RFP) for contracting services for the social equity strategy for the Downtown Oakland Specific Plan in January 2016, with a deadline for submission of February 25, 2016 and the City received one proposal and a letter of qualifications; and

**WHEREAS**, because of the low number of initial responses to the January 2016 Request for Proposals, the City re-issued and advertised a new RFP for contracting services for the social equity strategy in June 2016, with a deadline for submission of July 27, 2016; and

**WHEREAS**, four consultant teams responded by the deadline to the June 2016 RFP; and

**WHEREAS**, City staff from Planning & Building, Economic Development, Project Implementation, and the Mayor’s Office, interviewed three of the responding consultant teams;

and

**WHEREAS**, the interview panel identified the I-SEED team of consultants as the firm best suited and qualified to serve as the prime contractor to prepare a social equity strategy for the Downtown Oakland Specific Plan; and

**WHEREAS**, an additional \$255,000 is needed, above the original not-to-exceed amount of \$1,000,000, to enter into a contract with the I-SEED team of consultants to prepare a social equity strategy for the Downtown Oakland Specific Plan to address the issues of displacement, affordability, and loss of vulnerable communities of color and immigrants with limited English proficiency expressed during the first phase of community engagement; and

**WHEREAS**, an additional \$453,440 is needed, above the original not-to-exceed amount of \$1,000,000 for Dover Kohl & Partners to account for the additional community engagement work required to develop the Downtown Oakland Specific Plan, the coordination among consultants preparing the technical analysis funded through the new BART FTA grant and the social equity strategy work, and the additional design work to develop the zoning and design guidance to create a vibrant Downtown where Oakland's authenticity and varied cultural identities are reflected in the built environment; and

**WHEREAS**, the City will need to enter into a memorandum of understanding (MOU) with BART for the FTA Transit-Oriented Development Pilot Program 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 additional tasks for the BART FTA funded work (\$600,000), the social equity strategy work with the I-SEED team of consultants (\$255,000) and the enhanced contract with Dover Kohl & Partners (\$453,440) would increase the Professional Services Agreement contract amount by \$1,253,440, plus a contingency of \$45,000 for an overall increase of \$1,353,440; and

**WHEREAS**, funds to cover the increase of \$1,353,440 to the original contract amount are available from the following sources: the BART FTA grant (\$600,000), and the Planning & Building Department fund 2415: (\$453,440) for the enhanced contract with Dover Kohl & Partners; (\$255,000) for the Social Equity Strategy; and (\$45,000) 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 these contracts 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 award, negotiate, and enter into a professional services agreement with the I-SEED team of consultants, as needed, for the preparation of a social equity strategy for the Downtown Oakland Specific Plan, for an amount not to exceed \$255,000 and to execute any amendments or modifications of said professional services agreement within the limitations of the Project budget, without returning to the City Council; and be it

**FURTHER 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 \$453,440, plus a project contingency of \$45,000 for an overall project amendment of \$498,440 without returning to City Council; and

**FURTHER RESOLVED**, that the City Administrator, or her designee, is hereby authorized to enter into a memorandum of understanding (MOU) with BART for the FTA Transit-Oriented Development Pilot Program Funds, to include an in-kind contribution of \$100,000 towards the project as local match, through the provision of in-kind services by City staff, and to execute any modifications of said MOU within the limitations of the Project budget, without returning to City Council; and be it

**FURTHER RESOLVED**, request to apply for, accept and appropriate BART FTA grant in the amount of \$600,000 will be deposited and appropriated into Miscellaneous Grant Fund (2999), Planning Organization (84211), Other Grant: From Other Agencies Account (46419), and Contract Contingencies Account (54011), in a project to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

**FURTHER RESOLVED**, that the Planning and Building Department funds have been identified totaling \$753,440 available in Development Services Fund (2415) unrestricted fund balance, to be appropriated into Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), in a projected to be determined, General Plan, Zoning Update & Strategic Analysis Program (SC09); and be it

**FURTHER RESOLVED**, that the total project not to exceed amount is \$2,353,440 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 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, FEB 07 2017

**PASSED BY THE FOLLOWING VOTE:**

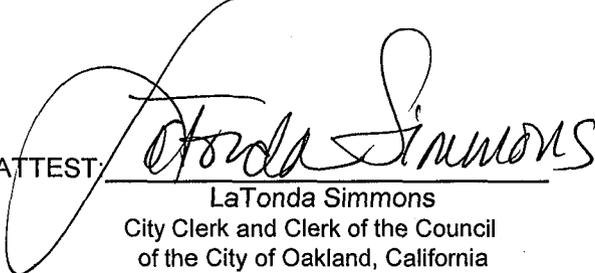
AYES - BROOKS, ~~CAMPBELL~~-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

*waived - Campbell Washington - 1*

NOES -  $\emptyset$

ABSENT -  $\emptyset$

ABSTENTION -  $\emptyset$

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