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OAKLAND

2014 AUG 11 AM 11:48

AGENDA REPORT

TO: HENRY L. GARDNER
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin
Director, OPW

SUBJECT: DeFremery Skate Park
\$1 Gift In-Place Contract

DATE: August 5, 2014

City Administrator
Approval

Date

8/8/14

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff Recommends That the City Council Adopt a Resolution to: 1) Authorize the City Administrator to Accept In-Kind Services from Levi Strauss & Co. Through Friends of Oakland Parks & Recreation to Construct the DeFremery Skate Park Project in West Oakland, Valued Up to Three Hundred Thousand Dollars (\$300,000.00); 2) Authorize the City Administrator to Execute a Construction Contract with California Skateparks Contractor for One Dollar (\$1.00) to Perform the Services and Authorize the Work on City Property; and 3) Waive Advertising and Bidding Requirements for the Project.

REASON FOR URGENCY

In order to avail the City to the donation opportunity, the City must complete the project by the funder's deadline of November 1, 2014. Due to the compressed timeframe, the necessary design and construction period, and the specialty construction (i.e. skate park) of this type of project, the City needs to condense the contract bidding process by waiving the advertising and bidding procedure for the construction of the Skate Park.

OUTCOME

By passing the resolution, the City Council will authorize the City Administrator to accept a private gift in-place donation from Levi Strauss & Co. through the Friends of Oakland Parks & Recreation to build a skate park at Defremery Park, providing a state-of-the-art skate park for youths of Oakland. The construction of the project is expected to be complete by November 2014.

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BACKGROUND/LEGISLATIVE HISTORY

In 2008, Keith (K-Dub) Williams, an artist and art educator entered into a volunteer partnership with *The Friends of DeFremery Park* to develop and help maintain a non-permanent skate-park at that site. The goal is to legitimize the popularity of skateboarding among urban youth by creating a skate park within Oakland, which will allow the youth to have a place expressing their interest and stay in the community. In July 2009, they opened the skate-park with an amazing event at which approximately 300 Oakland youth proudly enjoyed their new skate-park.

Over the years, K-Dub has worked with other community volunteers to maintain and repair the wood ramps and obstacles at the park so that youth, community and visitors can freely enjoy what is the only park of this kind in Oakland. The DeFremery Skate Park has hosted special community events, such as the "Life is Living Festival" as well as provided skate camps, professional demos and amateur competitions. Even in its temporary condition, the skate park is consistently the most utilized facility venue at DeFremery Park with non-stop activity that maintains a positive and inviting image for Oakland's parks, and provides a much-needed recreational activity for local youth and community in an area which very much needs such opportunities. The Skate Park continues to be a success providing programs for Oakland youth through the efforts of the City, K-Dub and other community organizations.

Early 2014, K-Dub submitted an application and received a philanthropic grant of \$300,000 from Levi Strauss & Company to replace the non-permanent park with a permanent skate park. Along with the Skate Park's fiscal sponsor, the Friends of Oakland Parks and Recreation and the Skate Park community looks forward to partnering with the City to construct this project. The project will involve volunteer participation to be coordinated by Levi Strauss and the contractor.

PUBLIC OUTREACH/INTEREST

In the beginning stages of proposing the idea of a skate park in the empty park lot, presentations were made by K-Dub to the West Oakland Senior Center of the design for a temporary wood skate park and with the objective to upgrade to a permanent concrete skate park after 4-5 years.

Throughout the years, K-Dub continued to share with the community producing events that are committed to youth by producing statewide urban skateboard festivals such as the "Hood Games" created in 2005 in East Oakland Youth Development Center and now 53 events in Oakland and throughout the State. The events K-Dub approached world renowned skate park builders about developing an amazing destination site for Oakland.

In 2012 California Skateparks design team Site Design Group Incorporated (SDGI) created preliminary skate park designs for K-Dub to show his skate community and the West Oakland community. Concepts were shown at neighborhood meetings including: Oakland Community Neighborhood Association – Multiple times at their meetings; public display for the past 2 years at the "Life is Living Festival" event at DeFremery Park; and on March 29, 2014 – SDGI presented Concept and Design at a meeting with local skate community and West Oakland residents at the De Fremery Park (*See Attachment A for the current plan*).

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Town Park also recognizes the need to provide Oakland youth with more public spaces to develop and express their creative imaginations. To meet these needs Town Park plan on engaging youth in mural arts and arts-related skate projects. Local schools such as Ralph Bunche continuation high school (located across the street from the park), museums and community artists will collaborate at Skate Park. Vibrant murals and colorful artwork will surround the park's walls and skate structures – showing positive images that represent contemporary artistic expression as well as represent Oakland's rich historical, cultural and social legacies.

K-Dub and SDGI will continue to make the new concept/design available for the community once completed, posting at the park, West Oakland Library, Senior Center and other sites as needed.

Friends of the Parks & Recreation (FOPR) is further brought into the partnership with K-Dub and the City. FOPR supports the project and will be the sponsor and fund agent of the project. In addition, City will conduct public outreach through the Parks and Recreation Advisory Commission (PRAC) meeting and City's Conditional Use Permit process.

COORDINATION

The report has been reviewed and approved by Office of City Attorney and Budget Office. The project has been coordinated with the following departments:

- Office of Parks & Recreation
- Oakland Public Works Department Bureau of Facilities and Environment (Parks & Tree Services)
- Oakland Public Works Department ADA Program Division
- City of Oakland Planning & Building Department (Building Services)

COST SUMMARY/IMPLICATIONS

Levi Strauss & Company has executed a funding agreement in the amount of \$300,000.00 with the FOPR for the grant. FOPR will be responsible to contract with the designer and the contractor for the improvements. The City will issue a \$1 construction contract with the California Skatepark Contractor and require the contractor to provide the necessary insurance and bonds for the project value.

SOURCE OF FUNDING:

Operation & Maintenance: Operation and maintenance costs are expected to remain the same since there is an existing skate park in operation since 2009. The project will replace the existing skate park with the same type of amenities. Skate park community groups will participate in the programming and maintenance the skate park.

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Staff costs: Staff costs incurred for supporting the permitting and contracting of the project will be absorbed within the existing Internal Service Funds (Fund No. 4400) allocated for Project Delivery Division. In addition, the skate park community group and FOPR will assist with coordination and management of the design and construction of the project.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Not applicable.

SUSTAINABLE OPPORTUNITIES

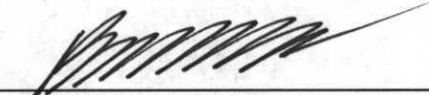
Economic: The project will improve the quality of recreation at DeFremery parks for Oakland residents, provide business tax, sales tax, and other revenues for the City by those who work on the project.

Environmental: The contractor is required to recycle and re-use construction materials to the extent practicable and comply with City standards.

Social Equity: The improvements will enhance public access to the park by creating accessible pathways and play amenities.

For questions regarding this report, please contact David Lau, Division Manager, Project Delivery Division at (510) 238-7131.

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

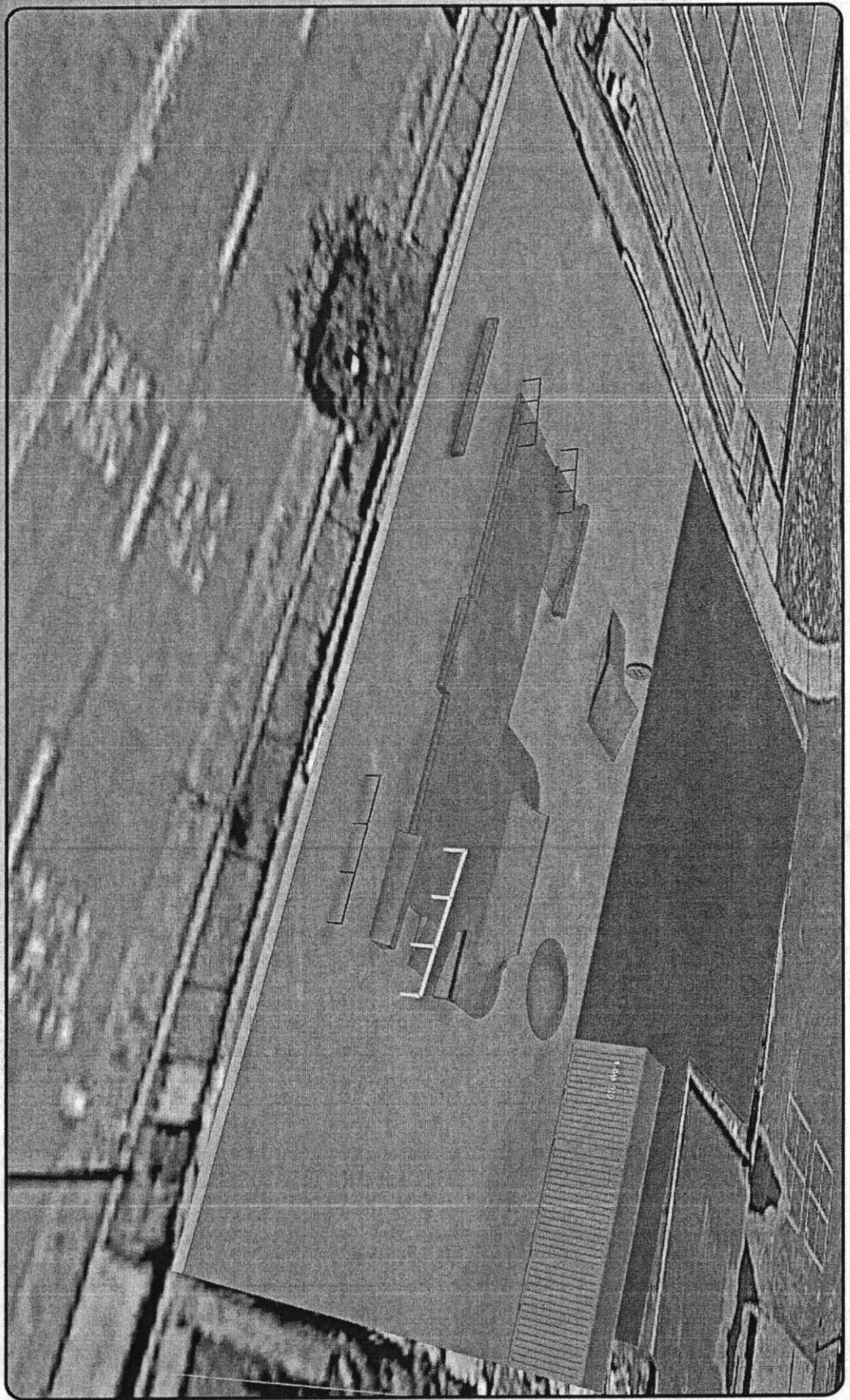
Reviewed by:
Michael Neary, P.E., Assistant Director,
OPW, Bureau of Engineering and Construction

Reviewed by:
David Lau, P.E., Division Manager,
Project Delivery Division

Prepared by:
Lily Soo Hoo, Project Manager II
Project Delivery Division

Attachment: DeFremery Skate Park Conceptual Plan

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Attachment A
City of Oakland
Defremery Skate Park

08.05.2014

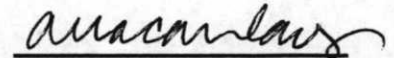


SITE
DESIGN GROUP, INC.



CALIFORNIA
skateparks

OAKLAND CITY COUNCIL


City Attorney

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RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO: 1) AUTHORIZE THE CITY ADMINISTRATOR TO ACCEPT IN-KIND SERVICES FROM LEVI STRAUSS & CO. THROUGH FRIENDS OF OAKLAND PARKS & RECREATION TO CONSTRUCT THE DEFREMERY SKATE PARK PROJECT IN WEST OAKLAND, VALUED UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00); 2) AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A CONSTRUCTION CONTRACT WITH CALIFORNIA SKATEPARKS CONTRACTOR FOR ONE DOLLAR (\$1.00) TO PERFORM THE SERVICES AND AUTHORIZE THE WORK ON CITY PROPERTY; AND 3) WAIVE ADVERTISING AND BIDDING REQUIREMENTS FOR THE PROJECT.

WHEREAS, in 2008, Keith (K-Dub) Williams, an artist and art educator, entered into a volunteer partnership with The Friends of DeFremery Park to develop and help maintain a non-permanent skate park at that site, for which its goal is to legitimize the popularity of skateboarding among urban youth by creating a skate park within Oakland to allow the youth a safe place to express their interest and enjoy the recreational sport; and

WHEREAS, in,2009, a non-permanent skate park was opened at DeFremery Park with the objective of completing a permanent skate park in the future; and

WHEREAS, K-Dub is successful at obtaining private funds from Levi Strauss & Co. to support the permanent skate park project and will provide a gift-in-place project with the support of the funder; and

WHEREAS, K-Dub is working in partnership with the funder, design consultant (Site Design Group Inc.), construction contractor (California Skateparks Contractor), and Friends of Oakland Parks & Recreation (FOPR) as the project sponsor to provide a gift-in-place project for the permanent skate park valued up to three hundred thousand dollars (\$300,000.00); and

WHEREAS, in light of the City's budgetary constraints and the growing need for quality recreational opportunities, it is the Council's desire to leverage public and private resources whenever feasible to improve city parks and neighborhoods; and

WHEREAS, Oakland Municipal Code section 2.04.050.A. requires the City Administrator to conduct advertising and bidding and award to the lowest responsible, responsive bidder for the purchase of products or goods, and Oakland Municipal Code section 2.04.050.I.5 states that the Council may waive advertising and bidding requirements upon a finding that it is in the city's best interests to do so; and

WHEREAS, the funding agency has a sunset date for the fund availability on November 1, 2014 therefore staff recommends that it is in the best interests of the City to waive advertising and bidding requirements to expedite the construction; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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; now therefore, be it

RESOLVED, That pursuant to Oakland Municipal Code section 2.04.050.I.5 and based on the determinations of the City Administrator and staff in the accompanying agenda report and above, the Council finds that it is in the city's best interests to waive advertising and bidding requirements for the construction of the project and so waives the requirements; and be it

FURTHER RESOLVED, That the proposed improvements submitted by Site Design Group Inc. (SDGI) shall be reviewed by the City and shall meet City of Oakland standards; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept a gift-in-place donation valued up to the amount of three hundred thousand dollars (\$300,000.00) from Levi Strauss & Company through FOPR and shall enter into a \$1 construction contract with California Skateparks Contractor to perform the services and authorize the work on City property for the DeFremery Skate Park; and be it

FURTHER RESOLVED: That the contractors shall provide insurance, performance and payment bonds in the amounts required by law, and the contracts shall be approved for 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 Administrator, or designee, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreements, except those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk, and be it

FURTHER RESOLVED: That the City Council accept and express appreciation to the Levi Strauss & Co., FOPR, K-Dub, and partnership members for the permanent gift-in-place skate park at the DeFremery Park.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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