

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, FINALIZE, AND EXECUTE AN ELECTRIC VEHICLE CHARGING STATION LICENSE AGREEMENT WITH EAST BAY COMMUNITY ENERGY FOR INSTALLING FAST CHARGING INFRASTRUCTURE AT CITY CENTER WEST GARAGE AT NO DIRECT COST TO THE CITY AND WAIVING THE ADVERTISING, BIDDING AND THE REQUEST FOR QUALIFICATIONS/PROPOSAL COMPETITIVE SELECTION REQUIREMENTS AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City Council adopted the 2030 Equitable Climate Action Plan in 2020 which establishes actions that the City and its partners will take to equitably reduce Oakland's climate emissions 56 percent by 2030 and adapt to a changing climate; and

WHEREAS, potential electric vehicle (EV) drivers in Oakland may be discouraged from buying or leasing an EVs due to the unavailability of publicly available fast charging stations; and

WHEREAS, California has set state goals of placing 1.5 million zero-emission vehicles on California roads by 2025 and 5 million by 2030; and

WHEREAS, Governor Gavin Newsom signed executive order N-79-20 in 2020, mandating that 100 percent of new in-state light duty passenger vehicles sales are zero-emission by 2035; and

WHEREAS, Through B-48-18 California established a target of 250,000 EV charging stations statewide by 2025; and

WHEREAS, The East Bay Community Energy Authority (EBCE) was formed as a community choice aggregation agency on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 et seq., among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City for the purpose to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, EBCE is a not-for-profit public agency with the expertise and desire to install EV fast charging stations at municipal facilities in Oakland where staff have agreed that such infrastructure would accomplish significant climate and social benefits, namely, providing convenient and accessible EV fast charging to a large population of multifamily building dwellers and commuters traveling through downtown and West Oakland; and

WHEREAS, Department of Transportation staff and EBCE staff have designed an EV charger project at the City-owned City Center West Garage, which is located within the boundary of AB-617, that would result in the second largest fast-charging installation in Alameda County available to the public 24 hours a day, seven days a week; and

WHEREAS, staff has determined, based on review of the plans and investigation of the site, that the project will not interfere with public use of the parking garage, and will not endanger the public welfare and convenience; and

WHEREAS, staff has determined, based on consultation with EBCE, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15183 (projects consistent with General Plan and Zoning), and 15061(b)(3) (no significant effect on the environment); and

WHEREAS, Oakland Municipal Code (O.M.C.) §2.04.051.A requires staff to conduct a competitive RFP/Q competitive selection process for professional services; and

WHEREAS, O.M.C. § 2.04.051.B permits the City Council to waive such RFP/Q requirement upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff believes that it is in the best interest of the City for the City Council to waive the RFP/Q requirement in this instance because EBCE, a not for profit public Joint Powers Authority that the City is a member of, is providing charging infrastructure at no cost to the City that will advance transportation and climate goals and would otherwise cost the City approximately \$1.45 million to execute; and

WHEREAS, as a public agency, EBCE will issue a competitive RFP/Q for vendor services to construct, operate and maintain its EV fast charging infrastructure; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED That the City Council finds and determines that pursuant to Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B, that it is in the best interests of the City to waive the advertising, competitive bidding, and competitive RFP/Q process for the Charging Station Site License Agreement with EBCE for the reason that EBCE is a not for profit public JPA of which the City is a member and so waives the requirements; and be it

FURTHER RESOLVED: That the Council finds and determines, based on consultation with EBCE, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities), 15183 (projects consistent with General Plan and Zoning), and 15061(b)(3) (no significant effect on the environment) and that the City Administrator or designee is authorized to file

a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda on this project; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute a Site License Agreement with EBCE for the installation, operation, maintenance and, if necessary, removal of its EV fast charging stations at no direct cost to the City at 1250 Martin Luther King Junior Way (City Center West Parking Garage); and be it

FURTHER RESOLVED: That the Site License Agreement is subject to City Attorney review and approval for form and legality and a copy of this resolution shall be filed with the City Clerk without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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