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REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND
AGENDA REPORT

TO: Office of the Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: December 15, 2009

SUBJECT: **An Agency Resolution Authorizing the Agency Administrator to Negotiate and Execute a Professional Services Contract with PGA Design for an Amount not to exceed \$159,000 to Complete the Design of the BART Entry Plaza Remodel for the MacArthur Transit Village Project**

SUMMARY

This item is a request for Redevelopment Agency approval of a resolution authorizing a professional services contract with PGA Design to complete the design documents for the BART entry plaza remodel which is part of the public infrastructure improvements for the MacArthur Transit Village Project. The total contract amount will be for an amount not to exceed \$159,000 that will be paid with grant funds. This project will have no impact on the General Fund.

FISCAL IMPACTS

The professional services contract with PGA Design will be for an amount not to exceed \$159,000. The Agency funding for this contract will come from the Alameda County Congestion Management Agency Transportation Improvement Program ("CMA TIP") grant to the Agency for the MacArthur Transit Village (Broadway/MacArthur/San Pablo Grant Fund 9213, MacArthur Transit Village CMA TIP Project G214310, Redevelopment Projects Organization 88669). This project will have no impact on the General Fund.

BACKGROUND

Since 1993, the City has been working with BART and the MacArthur BART Citizens Planning Committee ("CPC"), comprised of community residents and representatives of neighborhood organizations, in a planning process for the development of the MacArthur Transit Village. The Agency selected a development team for this project in April 2004 through a competitive Request for Proposals process. The development team, MacArthur Transit Community Partners, LLC ("MTCP"), is a limited liability company that consists of a partnership between McGrath Properties and BUILD (BRIDGE Urban Infill Land Development, LLC).

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In July 2008, MTCP received planning entitlements for the redevelopment of the 7.76 acre site adjacent to the MacArthur BART Station. Additionally, in July 2009, the City and Agency approved an Owner Participation Agreement (OPA) and a Development Agreement (DA) for the project. The MacArthur Transit Village project is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven privately owned parcels fronting Telegraph Avenue and West MacArthur Boulevard.

Below is a brief description of the overall project and the public infrastructure components that were approved by the City Council under the Preliminary Development Plan (PDP) Entitlements in July 2008:

- 624 residential units (516 market rate units and 108 below market rate units)
- 42,500 square feet of commercial/neighborhood serving retail space
- 5,000 square feet of community space (most likely to be used as a childcare center)
- 400 replacement parking spaces for BART in a new parking structure and a commitment to park an additional 110 BART patrons through either an expanded parking garage, shared parking, satellite lots, and/or attended parking in the garage
- Two new public roads through the BART parking lot and the reconfiguration of the existing BART Frontage Road
- Renovation of the existing BART plaza, including a covered waiting area for shuttle patrons
- A new public plaza located across from the existing BART plaza

KEY ISSUES AND IMPACTS

The BART entry plaza remodel is a key component of the overall MacArthur Transit Village project. The project will include new lighting, noise attenuation, a covered shuttle and bus transfer area, and an overall aesthetic upgrade of the BART plaza area. The construction of the BART entry plaza remodel is funded largely by \$1.3 million in federal transportation funds that need to be expended by Fiscal Year 2010-11. It is critical that work begins on the construction design documents for this project in order to meet the deadline for expending the federal construction funding.

The Agency will fund the \$159,000 for this contract from grant funds from the CMA TIP program. There may be some additional services needed from PGA Design, above and beyond this contract amount, for the completion of the construction documents that will be funded directly by MTCP from their project development budget. Agency staff successfully applied for a CMA TIP grant for \$500,000 for the MacArthur Transit Village project to cover the environmental review process and design work for the public infrastructure components of the project. The Agency approved the appropriation of these grant funds in February 2002. The

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Agency has already expended \$341,000 of the grant funds on design work for the replacement parking structure and on the environmental review process, and will use the balance of \$159,000 for this agreement with PGA Design.

PGA Design has over 30 years of experience in providing landscape architecture services to public and private sector clients. It is a certified Oakland Small Local Business Enterprise ("SLBE"). Its sub-consultant on this project, Hood Designs, is another SLBE firm with over 15 years experience designing public open spaces. PGA Design is the landscape architect selected by MTCP to complete the master plan design work for the landscaping and public open space components of the entire MacArthur Transit Village Project. They have been working in collaboration with Hood Design to create the schematic design concept for the BART Plaza remodel.

PGA Design was not selected for this contract through a competitive process. The Agency believes it is necessary to sole source this contract to PGA Design because it is desirable to use the same design team to complete the design for both the public open spaces and landscaping, to assure consistency with the overall project design. In addition, PGA Design and Hood Design completed the schematic designs for the project which included considerable coordination with BART staff on the requirements for the plaza remodel. Additional coordination with BART will be required for the preparation of the construction documents. The contract will comply with all other City contracting requirements and will be 100% SLBE, which exceeds the City's SLBE/LBE goal.

SUSTAINABLE OPPORTUNITIES

Economic: The remodel of the BART plaza would encourage economic revitalization of nearby commercial and residential districts in North Oakland by improving transit access to the surrounding neighborhood. In addition, the project would also create temporary construction-related work in the short-term which would provide both immediate and secondary benefits for the local economy and workforce since the project is required to comply with the City's Small/Local Business and Local Employment and Apprenticeship requirements.

Environmental: The BART plaza remodel is intended to encourage the use of public transportation by facilitating connections to other transit providers and by providing a safe and inviting environment for users accessing the station. The developer will consider the use of green building techniques for the plaza remodel.

Social Equity: The project will improve access to transit by improving the intermodal transit connections at the MacArthur BART Station. This will have a positive impact on social equity since a disproportionate number of transit users are low-income.

DISABILITY AND SENIOR CITIZEN ACCESS

The BART Plaza remodel will be required to comply with state and federal accessibility

requirements, including Federal Americans with Disability Act Accessibility Guidelines, the Fair Housing Act and the State of California's Title 24 Accessibility regulations.

RECOMMENDATIONS AND RATIONALE

Staff recommends that the Redevelopment Agency authorize the sole source award of the professional services contract with PGA Design and authorize the Agency to fund the contract at an amount not to exceed \$159,000. This contract is essential for the timely completion of the BART entry plaza remodel construction documents needed to access the \$1.3 million in federal funds for the construction of the plaza. The Agency funding for the contract will be paid by grant funds that were awarded to the Agency for the MacArthur Transit Village project.

ACTION REQUESTED OF THE COUNCIL

Staff recommends that the Redevelopment Agency approve the attached resolution authorizing the Agency Administrator to negotiate and execute a professional services contract with PGA Design for an amount not to exceed \$159,000, to complete the construction design documents for the BART entry plaza remodel for the MacArthur Transit Village Project.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Gregory D. Hunter, Deputy Director
Economic Development & Redevelopment

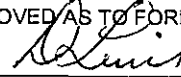
Prepared by:
Kathy Kleinbaum, Urban Economic Analyst IV
Redevelopment Division

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the Agency Administrator

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REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

**RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR
TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES
CONTRACT WITH PGA DESIGN FOR AN AMOUNT NOT TO
EXCEED \$159,000 TO COMPLETE THE DESIGN FOR THE
BART ENTRY PLAZA REMODEL FOR THE MACARTHUR
TRANSIT VILLAGE PROJECT**

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 December 7, 2004, includes the MacArthur Transit Village project and related streetscape improvements; and

WHEREAS, the development of the MacArthur Transit Village includes the proposed renovation of the BART entry plaza as one of the initial phases for the project; and

WHEREAS, the Agency received a grant from the Alameda County Congestion Management Agency, deposited in Broadway/MacArthur/San Pablo Grant Fund 9213, MacArthur Transit Village CMA TIP Project G214310, Redevelopment Projects Organization 88669 to cover environmental review and the completion of design documents for the BART plaza remodel which is the subject of this contract; and

WHEREAS, pursuant to a joint Request for Proposals, the Agency and BART selected a development team for the MacArthur Transit Village project that consists of a partnership between McGrath Properties and BUILD (BRIDGE Urban Infill Land Development, LLC), organized as MacArthur Transit Community Partners, LLC ("MTCP"); and

WHEREAS, MTCP has negotiated an Owner Participation Agreement with the Agency and the effective date of the agreement is July 21, 2009; and

WHEREAS, PGA Design has been selected by MTCP to complete the public open space and landscaping design for the entire MacArthur Transit Village project; and

WHEREAS, PGA Design and their sub-consultant, Hood Design, completed the schematic design for the BART entry plaza remodel and have submitted a proposal to complete the construction design, plans and specifications; and

WHEREAS, the Agency finds and determines that it is in its best interest to negotiate solely with PGA Design because it is best to use the same design team to complete the design and specifications for all the public open spaces in the project, to assure consistency with the overall project design; and

WHEREAS, the Agency has determined that the contract with PGA Design will comply with the Local and Small Local Business Enterprise Program and all other City programs; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of 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 negotiate and execute a contract with PGA Design for an amount not to exceed \$159,000 to complete the construction design, plans and specifications for the BART entry plaza remodel as part of the MacArthur Transit Village Project; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to extend, amend, except 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 Agency hereby appropriates \$159,000 in funding for the contract from the Broadway/MacArthur/San Pablo Grant Fund 9213, MacArthur Transit Village CMA TIP Project G214310, Redevelopment Projects Organization 88669; and be it

FURTHER RESOLVED: That by Resolution No. 81422 C.M.S., the City of Oakland certified the Environmental Impact Report for the MacArthur Transit Village project which includes the Plaza remodel project, and no further action or determination is now required: 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.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary, Redevelopment Agency
of the City of Oakland