

# CITY OF OAKLAND

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

## AGENDA REPORT

TO: 2010 JUN 10 PM 5:51  
Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: June 22, 2010

RE: **A Resolution: 1) Authorizing An Amendment To The Children's Fairyland, Inc. Operation And Management Agreement To Add Design and Project Management Services In Connection With Specific Capital Improvement Projects At Children's Fairyland To The Scope of Work For An Amount Not-To-Exceed One Hundred Thousand Dollars (\$100,000.00) From Measure WW Bond Funds, And 2) Waiving Advertising And The Competitive Request For Proposal/Qualifications Process For Said Design And Project Management Services**

### SUMMARY

The proposed resolution will amend the operating and management agreement with Children's Fairyland, Inc. (CFI) to add design and project management duties and adds compensation for the services in connection with improvements at Oakland Children's Fairyland (Fairyland) facility in Lake Merritt Park. The compensation will be paid from Measure WW Local Grant Program funds. The resolution also provides for waiver of the competitive request for proposal/qualifications process to enable CFI to do the work.

CFI has an existing agreement with the City of Oakland to preserve, maintain, and operate the Fairyland facility to provide educational, recreational, and cultural programs for young children and the public. Approval of the resolution will continue the effort to improve and keep Fairyland as a unique three-dimensional storybook theme park and significant asset for the City of Oakland.

### FISCAL IMPACT

Approval of the resolution will designate funds up to \$100,000.00 from Measure WW – East Bay Regional Park District Fund (No. 2260), Project Management Capital Projects Organization (No. 92270) and Children's Fairyland Project (No. C377910), for the design and project management of capital improvements at Children's Fairyland.

Item: \_\_\_\_\_  
Public Works Committee  
June 22, 2010

Under the terms of the Measure WW grant, the City incurs expenditures, then submits eligible costs to the East Bay Regional Park District for reimbursement. CFI will comply with grant program requirements and ensure expenses are eligible under the grant guidelines for the City to seek reimbursement. The City will also incur costs for grant administration, project management and construction management, which are grant eligible reimbursements.

The proposed Children's Fairyland project focuses on entry access and pathway improvements. As CFI has an existing agreement with the City to manage, maintain, and operate the Fairyland facility, relatively minor increases in operation and maintenance costs for the proposed improvements will remain CFI's responsibility.

## **BACKGROUND**

In November 2008, EBRPD voters approved the passage of Measure WW – Park Bond Extension. Within the Measure WW Bond – Local Grant Program, the allocation for local parks program to the City of Oakland is \$19,204,456.00. In December 2008, City Council approved Resolution No. 81586 C.M.S. allocating Local Grant Program funds to various projects, including \$500,000.00 for the Children's Fairyland improvement project. As part of the FY2009-2011 Budget adoption process, project funds have been established for the Children's Fairyland project under Fund No. 2260, Organization No. 92270, in Project No. C377910.

Over the past 15 years, CFI has managed the Park and completed a Conceptual Master Plan (April 2003) that sets forth a vision and a plan for Fairyland with the objective of providing a safe, family-oriented environment that stimulates children's imagination, creativity and desire to learn. In January 2005, City Council approved Resolution No. 79001 C.M.S. to enter into a second long-term agreement with the CFI that ends in December 2019 for CFI to continue to operate, make improvements, and manage the park. The park provides programs that entertain and educate children through the talking storybooks and fairytale sets, theatrical performances, children-size amusement rides, farm animals, and other programs. The CFI continuously implements improvements set forth in the approved Master Plan with funds from its fund-raising efforts, use of voter approved bond fund such as Measure DD, and from park generated funds. The CFI wishes to continue the effort of implementing the developed Master Plan through the fund source currently available from Measure WW.

## **KEY ISSUES AND IMPACTS**

The East Bay Regional Park District, the Measure WW granting agency, requires that the City, as a grantee, administer projects in accordance with City mandated policies and programs and provide detailed support documents to qualify for reimbursement. Under CFI's current

Item: \_\_\_\_\_  
Public Works Committee  
June 22, 2010

agreement with the City of Oakland, CFI is authorized to implement capital improvements defined by the Master Plan. To ensure that expenditures are eligible for reimbursement, CFI will act as the City's Representative in managing the design of the project. The City will oversee competitive bidding, contract award, and construction to ensure compliance with City programs and public contract requirements. The proposed resolution will amend the CFI operating and management agreement to add design and project management duties and compensation for those services in connection with the Measure WW funded improvements.

CFI and the City will execute an amendment to the existing agreement per this resolution to address Measure WW grant requirements and delineate detailed roles and responsibilities of each party. In general, CFI will oversee the design consultant previously selected by CFI, manage design of the project and coordinate review with the City. The City will perform the competitive bid, award of the construction contract, construction management, and grant administration. Partnership between the City and CFI will ensure success of the project and completion of the project in accordance to grant requirements.

Staff recommends that CFI perform design and project management services necessary to construct the improvements because CFI developed the Fairyland Master Plan and is most familiar with the program, site needs, and constraints. CFI has experience as they completed the first phase of the Master Plan improvements in a similar capacity. With existing project knowledge, continuing with CFI for design and project management services will benefit the project. Therefore, the resolution provides for the City Council to waive the request for proposal/qualifications process for the design and project management services work. Oakland Municipal Code Section 2.04.051(B) allows the City Council to waive the request for proposal / qualifications process required for the purchase of professional services upon a finding that it is in the best interests of the City to do so.

### **PROJECT DESCRIPTION**

With the Measure WW funds, CFI will implement the next phase of the Master Plan to renovate and enhance entry access, such as ADA accessible pathway, stairway and railing, landscaping, retaining walls, signage, lighting, and entry theme elements. See *Attachment A* for proposed site plans.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project. LBE/SLBE program requirements will apply to the construction contract.

**Environmental:** Contractors will be required to use recyclable construction materials to the extent feasible and to recycle construction debris in accordance with City standards. CFI will address landscaping appropriate for the site and the surrounding environment in the design process following the City's Bay Friendly Ordinance standards.

**Social Equity:** The improvements to the park facility will benefit the neighborhood and the community at large by providing added recreational amenities for users of all ages.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The improvement project will enhance and improve accessibility to persons with disabilities and senior citizens. All construction will meet the requirements of the Americans with Disabilities Act.

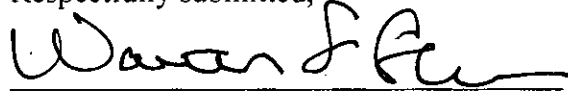
## **RECOMMENDATION AND RATIONALE**

Council approval is requested to amend the agreement with CFI to add design and project management services for the Children's Fairyland capital improvement project funded by Measure WW Bond, increase the existing agreement by an amount not-to-exceed \$100,000.00 for the said services, and waive advertising and the competitive request-for-proposal/qualification process per Oakland Municipal Code Section 2.04.051(B). CFI is uniquely qualified to perform the design and project management services due to their familiarity with the program needs of the facility.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests Council approval of the proposed resolution.

Respectfully submitted,

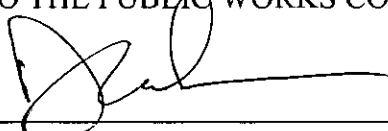


Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Michael Neary, P.E.  
Deputy Director  
Department of Engineering & Construction

Prepared by:  
Lily Soo Hoo  
Project Manager  
Project Delivery Division

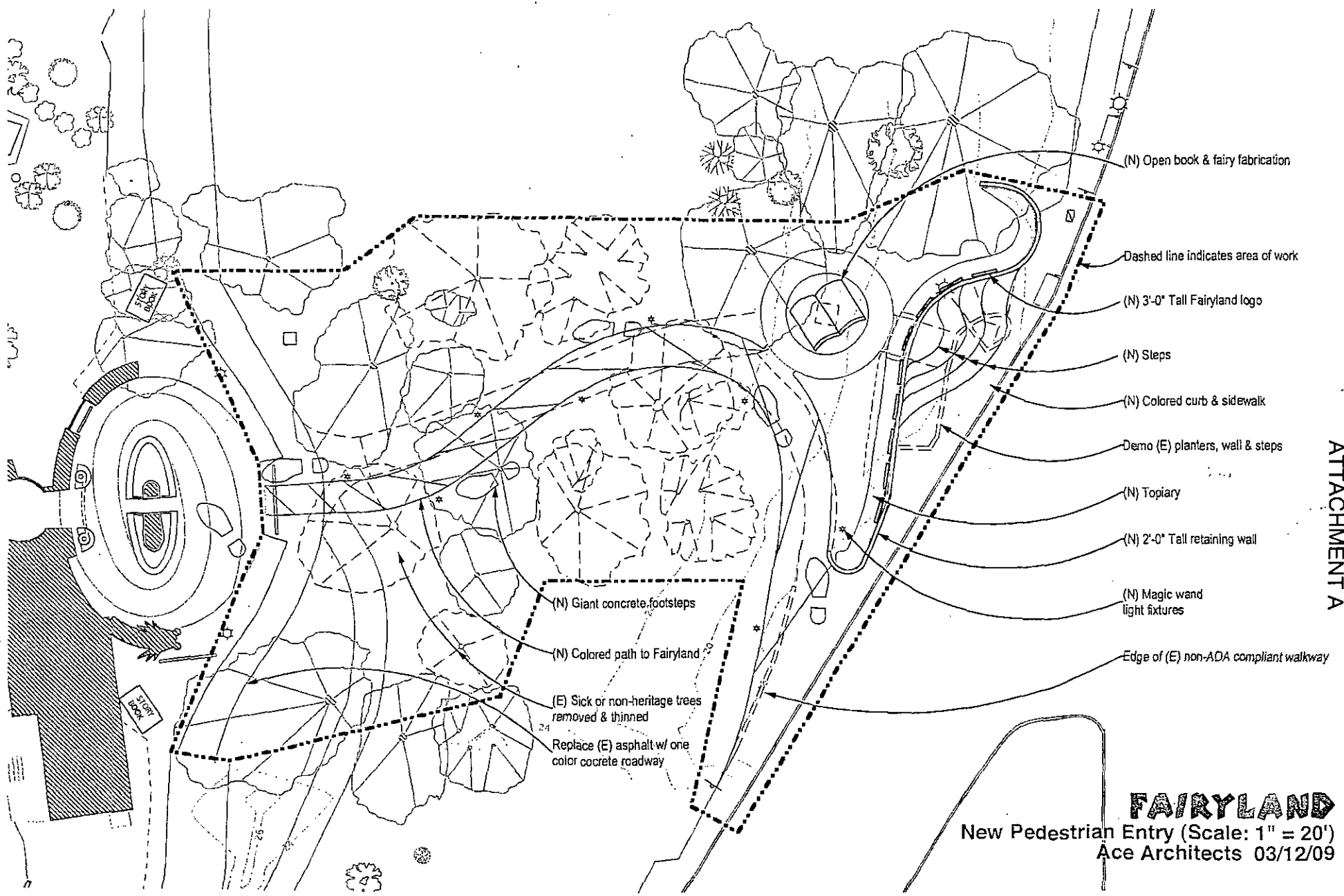
APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachment A – Children's Fairyland Proposed Entry Improvement Site Plans, 3/12/09

Item: \_\_\_\_\_  
Public Works Committee  
June 22, 2010



ATTACHMENT A

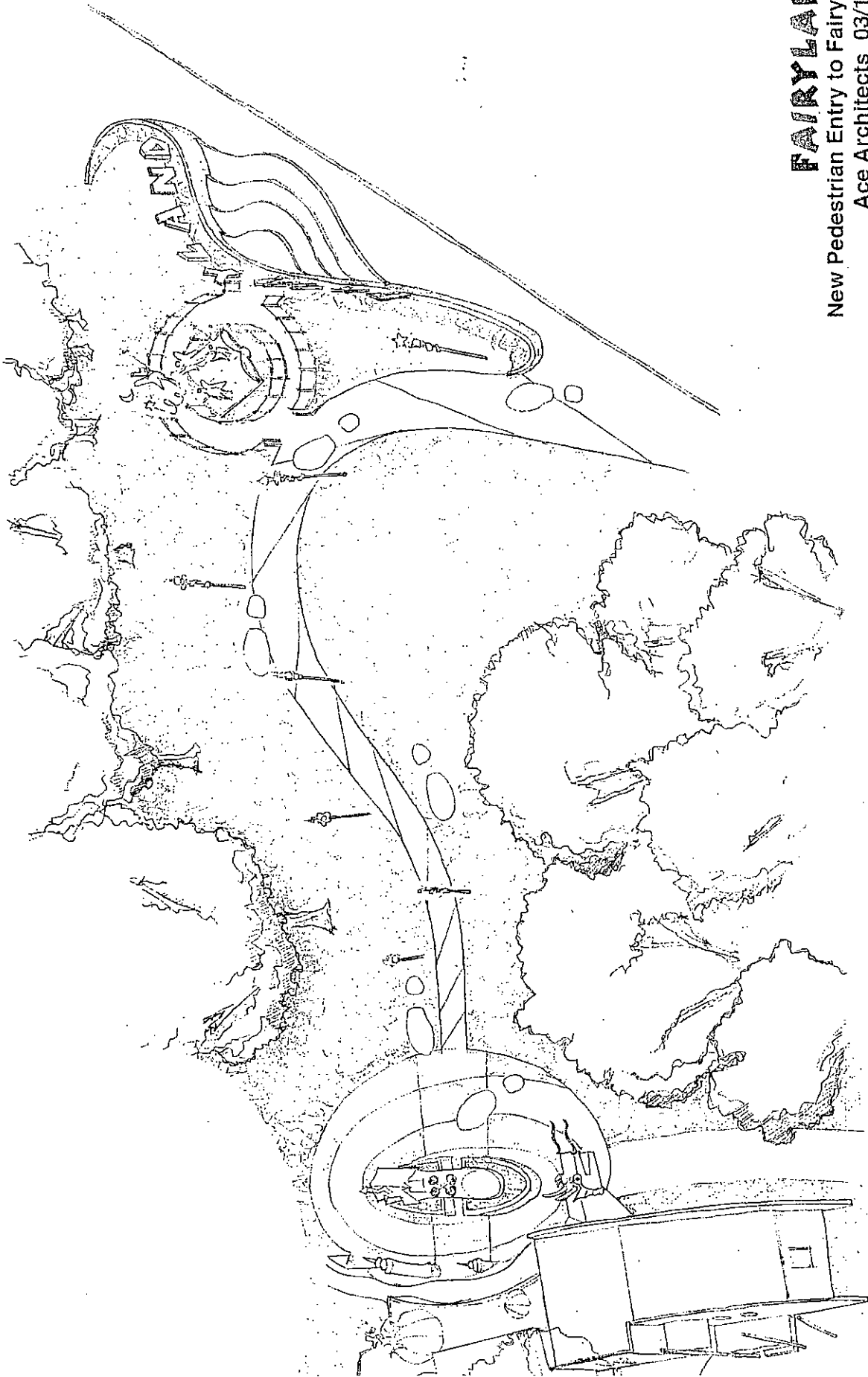
# FAIRYLAND

New Pedestrian Entry (Scale: 1" = 20')  
 Ace Architects 03/12/09

ATTACHMENT A

**FAIRYLAND**

New Pedestrian Entry to Fairyland  
Ace Architects 03/12/09

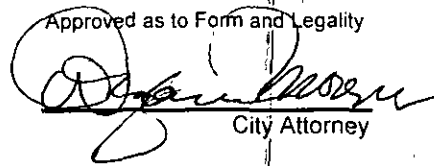


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 10 PM 5:52

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION: 1) AUTHORIZING AN AMENDMENT TO THE CHILDREN'S FAIRYLAND, INC. OPERATION AND MANAGEMENT AGREEMENT TO ADD DESIGN AND PROJECT MANAGEMENT SERVICES IN CONNECTION WITH SPECIFIC CAPITAL IMPROVEMENT PROJECTS AT CHILDREN'S FAIRYLAND TO THE SCOPE OF WORK FOR AN AMOUNT NOT-TO-EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM EAST BAY REGIONAL PARK DISTRICT MEASURE WW PARK BOND EXTENSION FUNDS, AND 2) WAIVING ADVERTISING AND THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS FOR SAID DESIGN AND PROJECT MANAGEMENT SERVICES**

**WHEREAS**, in November 2008, East Bay Regional Park District voters approved the passage of Measure WW – Park Bond Extension and the City received \$500,000 from the Measure WW Bond – Local Grant Program for the Children's Fairyland Project; and

**WHEREAS**, the City Council has allocated funds to the Children's Fairyland Project (Project) in the FY09-11 Budget under Measure WW – East Bay Regional Park District Fund (No. 2260), Project Management Capital Projects Organization (No. 92270) and Children's Fairyland Project (No. C377910); and

**WHEREAS**, the improvement project will improve entry access and maintain Children's Fairyland as a unique three-dimensional storybook theme park and a significant asset for the City of Oakland; and

**WHEREAS**, Children's Fairyland, Inc. (CFI) has managed Fairyland for the past 15 years, completed a Conceptual Master Plan in April 2003 and, in 2005, the City Council authorized a second long-term agreement to December 2019 (Resolution No. 79001 C.M.S.) under which CFI will continue to operate, make improvements, and manage Fairyland approved to enter into; and

**WHEREAS**, Children's Fairyland, Inc. continuously implements improvements set forth in the approved Master Plan with funds from its fund-raising efforts, use of voter approved bond fund such as Measure DD, and from park generated funds and it wishes to continue the effort of implementing the developed Master Plan through the fund source currently available from Measure WW; and



**WHEREAS**, the City wishes to amend the existing agreement with Children's Fairyland Inc. to provide project management services for implementation of the Project because CFI developed the Fairyland Master Plan, has previously implemented portions of the Master Plan, and is therefore most familiar with the program, site needs, and constraints.

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; 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 service and that the services are of a professional and temporary in nature; now, therefore, be it

**RESOLVED:** That the Council authorizes the City Administrator to amend the Operation and Management agreement with Children's Fairyland, Inc. to add design and project management services in connection with specific capital improvement projects at Children's Fairyland to the scope of work for an amount not-to-exceed one hundred thousand dollars (\$100,000.00) for said services, and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.051(B) and the reasons set forth in the agenda report accompanying this resolution and stated above, the City Council finds that it is in the best interests of the City to waive advertising and the competitive request-for-proposal/qualifications process for said design and project management services, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments, modification, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amount authorized under this Resolution; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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