

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY CITY ADMINISTRATOR JESTIN D. JOHNSON  
AND COUNCILMEMBER CARROLL FIFE

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**RESOLUTION (1) AWARDING A PROFESSIONAL SERVICES AGREEMENT TO THE OAKLAND BALLERS, A PROFESSIONAL BASEBALL TEAM, TO MANAGE SOIL REMOVAL OF CONTAMINATED SOIL STOCKPILES AT 1707 WOOD STREET FOR THE TERM APRIL 16, 2024 TO SEPTEMBER 1, 2024, IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000); (2) WAIVING THE CITY'S COMPETITIVE PROCESS AND LOCAL/SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM REQUIREMENTS; AND (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City owns an approximately 3.12 acre real property located at 1707 Wood Street, Oakland, CA 94607 (APN 018-0310-01301) (Property), which is subject to an Exclusive Negotiating Agreement with Midpen Housing Corporation and Habitat for Humanity East Bay/Silicon Valley, Inc. for development of affordable housing (Affordable Housing Project), that allows the City to grant to other parties a license to the Property for parking prior to conveyance of the Property to the developers; and

**WHEREAS**, approximately 9,700 tons of contaminated fill material has been illegally dumped on the Property and must be removed by the City in order to advance the Affordable Housing Project or otherwise use the Property for other purposes; and

**WHEREAS**, the Oakland Ballers Baseball Club, LLC, a Delaware limited liability company (Ballers) is a professional baseball team that proposes to provide approximately \$1,600,000 in improvements to the baseball field located at Raimondi Park in exchange for the ability to play 48 home games plus potential additional playoff games at the park during the 2024 Pioneer Baseball League season; and

**WHEREAS**, the Ballers propose to improve and utilize the Property for temporary special event parking on Ballers game days during the 2024 season, and any improvements to the Property required for this use shall be the sole responsibility of the Ballers; and

**WHEREAS**, there are sufficient funds for the contract in the Affordable Housing Trust Fund (1870), HTF Housing Development (Project 1000386, Org 89929) in an amount not to

exceed \$300,000 and Low and Moderate Income Housing Asset Fund (LMIHAF) (2830), Housing Development Project (Project 100388, Org 89929) in an amount not to exceed \$550,000; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.B permits the Council to waive advertising and the request for proposal / qualifications (RFP/Q) requirements upon a finding that it is in the best interest of the City to do so; and

**WHEREAS**, staff recommends that it is in the best interest of the City to waive the RFP/Q process due to the Ballers' proposed use of the Property for temporary special event parking for the Ballers home games at Raimondi Park; and

**WHEREAS**, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum 50-percent (50%) participation for all professional service contracts valued at or over Fifty Thousand Dollars (\$50,00) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percent from 50% to 0%, but not less than 20% if at least one LBE/SLBE is certified and available; and

**WHEREAS**, the Council may waive the City's LBE/SLBE program requirements pursuant to Part I of the Program guidelines, adopted by Ordinance No. 13647 C.M.S.; and

**WHEREAS**, staff also recommends that City Council waive the LBE/SLBE program requirements due to the community benefit that will result from removal of contaminated soil stockpiles, and the Ballers have committed to good faith compliance with the City program and to using Oakland-based contractors and subcontractors; and

**WHEREAS**, the services to be provided under said contract are of a professional, scientific, or technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the construction activities for the proposed project would entail minor construction activities, such as erection of bleachers and improvements to the sports field. In addition, project operations would use amplified sound system, crowd noise, fireworks, and food trucks, and would require the removal of contaminated soil stockpiles at the nearby 1707 Wood Street property for gameday parking; and

**WHEREAS**, based on an examination of the California Environmental Quality Act (CEQA) analysis, findings, and conclusions of the West Oakland Specific Plan Environmental Impact Report (WOSP EIR), implementation of the proposed project would not substantially increase the severity of significant impacts identified in the WOSP EIR, nor would it result in new significant impacts related to noise that were not identified in the WOSP EIR. The WOSP EIR did not identify any mitigation measures related to noise, and none would be necessary for the proposed project; and

**WHEREAS**, the proposed project would be required to implement Standard Conditions of Approvals (SCAs) to reduce construction noise, and ensure project design and operation of the sound system equipment to meet applicable noise performance standards; and

**WHEREAS**, on a separate and independent basis, the CEQA analysis for the project found that the project would be exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning); now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to enter into a contract to manage the removal of contaminated soil stockpiles with the Oakland Ballers Baseball Club, LLC, for the term April 16, 2024 to September 1, 2024, in an amount not to exceed Eight Hundred Fifty Thousand Dollars (\$850,000); and be it

**FURTHER RESOLVED:** That for the reasons stated above and in the City Administrator's report accompanying this item and pursuant to Oakland Municipal Code section 2.04.051.B, the City Council finds that it is in the best interests of the City to waive the advertising, request for proposal/qualifications and the LBE/SLBE requirements for the proposed contract with the Ballers, and so waives such requirements; and be it

**FURTHER RESOLVED:** That funds for this contract are available in and will be drawn from Affordable Housing Trust Fund (1870), HTF Housing Development (Project 1000386, Org 89929) in an amount not to exceed Three Hundred Thousand Dollars (\$300,000) and from Low and Moderate Income Housing Asset Fund (LMIHAF) (2830), Housing Development Project (Project 100388, Org 89929) in an amount not to exceed Five Hundred Fifty Thousand Dollars (\$550,000); and be it

**FURTHER RESOLVED:** The City Council finds on a separate and independent basis that the project would be exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities), 15304 (minor alterations of land; temporary uses), 15303 (small structures), 15308 (protection of the environment), and 15183 (projects consistent with General Plan and Zoning); and be it

**FURTHER RESOLVED:** That the City Administrator or designee shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the project named in this Resolution; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend this contract for services, except for any increase in the contract amount without returning to the City Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said contract with the Ballers as to form and legality, and a copy of the fully executed agreement shall be placed in file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

