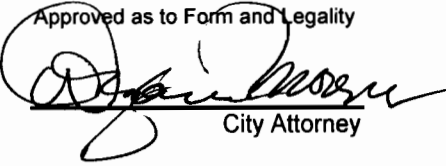


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUN 10 PM 5:52

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION No. 82858 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, JUL 6 2010

PASSED BY THE FOLLOWING VOTE:


AYES - ~~BRUNNER, DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 6

NOES - 0

ABSENT - Bracks - 1

ABSTENTION - 0

Excused - De la Fuente - 1

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