

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

OFFICE OF THE CITY CLERK
2006 FEB 16 PM 12:48

Agenda Report

TO: Office of the City Administrator/Agency Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: February 28, 2006

SUBJECT: An Agency Resolution Authorizing the Agency Administrator to Negotiate and Execute a Contract for an Amount Not to Exceed \$160,000 with Fehr and Peers to Develop an Access Plan for the MacArthur Transit Village Project; and to Waive Compliance with the Local and Small Local Business Enterprise Program.

An Agency Resolution Authorizing the Agency Administrator to Amend the Professional Services Agreement with Terence O'Hare Associates to Increase the Contract Amount by \$75,000, from \$125,000 to a Total of \$200,000, to Provide Planning Services for the Environmental Review Process for the MacArthur Transit Village Project; and to Waive Compliance with the Local and Small Local Business Enterprise Program.

SUMMARY

This item is a request for Redevelopment Agency approval of two resolutions authorizing a professional services contract with Fehr and Peers and a contract amendment with Terence O'Hare Associates. Both contracts are for work related to the environmental review process for the MacArthur Transit Village Project. The contract with Fehr and Peers, which will be for an amount not to exceed \$160,000, is for the development of a station Access Plan to address the impacts of the development on multi-modal access to the MacArthur BART Station. BART requires that an Access Plan be completed in conjunction with the environmental review process for all Transit Village projects at their stations. The contract amendment with Terence O'Hare Associates to increase the contract amount by \$75,000, from \$125,000 to a total of \$200,000, will provide planning services to assist the City with the review of the environmental impact analysis for the MacArthur Transit Village Project. Both of these contracts are essential for the timely completion of the environmental review process for the project.

The Agency will pay for these two contracts with grant funds from the Alameda County Congestion Management Agency Transportation Improvement Program (CMA TIP). This project will have no impact on the General Fund.

FISCAL IMPACTS

The cost of the professional services contract with Fehr and Peers is capped at \$160,000. The amendment to the professional services contract with Terence O'Hare Associates will increase the total contract amount by \$75,000. The Agency will pay for these two contracts using a portion of the funds from the previously appropriated CMA TIP grant to the Agency for the MacArthur Transit Village (Fund 9213, Project G214310, Redevelopment Projects Organization 88669). The 3% contract compliance oversight fees, which total \$7,050 for both contracts, are not eligible expenses under the grant program and will therefore be paid by the Redevelopment Agency from Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Organization 88669). This project will have no impact on the General Fund.

BACKGROUND

Since 1993, the City has been working jointly 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. After the previous project developer, Creative Housing Associates, failed to perform under their Exclusive Negotiating Agreement (ENA) with the Agency in 2003, the Agency and BART selected a new development team for this project in April 2004 through a competitive Request for Proposals process. The new development team, MacArthur Transit Community Partners, LLC (MTCP), is a limited liability company that consists of a partnership between Aegis Equity Partners, Shea Properties, and BUILD (BRIDGE Urban Infill Land Development, LLC).

The City Council authorized the Agency Administrator to negotiate a three-party ENA between the Agency, BART, and MTCP on June 1, 2004. As part of the ENA, the development team is required to begin the environmental review process for the MacArthur Transit Village project. As part of the environmental review process, BART requires the completion of an Access Plan for the MacArthur BART Station that looks at the impacts of the proposed development on multi-modal access to the station and BART ridership.

The Agency approved a professional services contract with Terence O'Hare in January 2003 (Resolution No. 2003-02 C.M.S.) to provide consultant planning services to assist with the review of three Environmental Impact Reports (EIR) for Agency projects: the Central City East and West Oakland redevelopment plan adoptions and the MacArthur Transit Village. Terence O'Hare completed work on the redevelopment plan adoptions and started work on the MacArthur Transit Village EIR in 2003 when the project was put on hold due to the change in the development team. The Agency now plans to start the MacArthur Transit Village EIR in February 2006.

KEY ISSUES AND IMPACTS

These two contracts will be funded by grant funds from the Congestion Management Agency Transportation Improvement Program (CMA TIP). Staff successfully applied for a CMA TIP

grant for \$500,000 for the MacArthur Transit Village project to cover the environmental review process and schematic designs for the BART replacement parking structure. The City Council approved the appropriation of these grant funds in February 2002.

Contract with Fehr and Peers

Fehr & Peers has over 20 years of experience in providing transportation planning and traffic engineering services to public and private sector clients. Fehr and Peers is currently under contract with the development team to complete the transportation section of the EIR document as a subconsultant to LSA Associates, the lead consultant on the EIR team. The Agency contract with Fehr and Peers is for the preparation of an Access Plan for the MacArthur BART Station. BART requires that an Access Plan be completed in conjunction with the project EIR since both documents need to be certified by the BART Board as a combined action as part of the project approvals process for the MacArthur Transit Village. The Access Plan incorporates a considerable amount of the data that will be generated for the transportation analysis in the EIR document.

Fehr and Peers was not selected through a competitive process and the contract will not comply with the City's Local and Small Local Business contracting goals since the firm is based in San Francisco and does not expect to use any subcontractors for this project. The contract will comply with all other City contracting requirements. Staff has determined that it is necessary to sole source this contract to Fehr and Peers since the work scopes for the Access Plan and the EIR transportation section are intimately linked in terms of data generation and analysis. It would not be possible to complete the Access Plan on the same timeline as the EIR document if it was prepared by an outside transportation consultant. This would result in a significant delay in the proposed development schedule for the MacArthur Transit Village project. In addition, the cost of completing the Access Plan would be considerably higher if completed by another firm since the Agency would be charged for time spent reviewing and interpreting the data prepared by Fehr and Peers for the transportation section of the EIR document.

Contract Amendment for Terence O'Hare Associates

The Agency's contract with Terence O'Hare Associates to provide planning services to assist with the oversight of the environmental review process for Agency projects is still active. Due to short staffing in the major projects division, the Planning Department still requires the services of Terence O'Hare Associates to assist planning staff with the review of the EIR for the MacArthur BART Station in order not to delay the project schedule.

The size and scope of the proposed analysis under the EIR for the MacArthur Transit Village project has increased significantly since 2003. As a result, the Agency anticipates needing additional staff time from Terence O'Hare Associates to assist with the review process. The proposed \$75,000 increase in the contract budget includes a 20% contingency in case the EIR process turns out to be more time intensive than currently anticipated.

Terence O'Hare Associates was originally selected through an informal Request for Qualifications

process. Terence O' Hare, the principal of the company and project manager for this contract, has over 25 years of experience as an environmental planning consultant. He has provided contract planning support to the Planning Division on recent major projects including the Leona Quarry EIR and Wood Street EIR.

The existing Professional Services Agreement does not comply with the City's Local and Small Local Business contracting goals since Terence O'Hare Associates is a Berkeley-based firm and has no subcontractors. The contract does comply with all other City contracting requirements.

SUSTAINABLE OPPORTUNITIES

Economic

Potential benefits if the transit village project goes forward include increased housing stock, new permanent jobs from net new commercial development, and increased tax revenue to the City and Agency.

Environmental

Potential benefits if the transit village project goes forward include redevelopment of transit-node located land at a higher density, creating a more sustainable urban land use pattern and increased transit ridership. The use of sustainable design features will be addressed in the Disposition and Development Agreement if the project goes forward.

Social Equity

The Agency included a requirement in the RFP for the development team that a minimum of 20 percent of the housing units developed as part of this project shall be affordable. Consequently, potential benefits if the Transit Village project goes forward include the development of affordable housing.

DISABILITY AND SENIOR CITIZEN ACCESS

The authorization of these professional services contracts will have no impact on disability and senior citizen access. The MacArthur Transit Village project, when constructed, will be required to comply with state and federal accessibility requirements, including Federal ADA Accessibility Guidelines, the Fair Housing Act and the State of California's Title 24 Accessibility regulations.

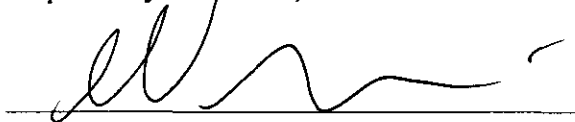
RECOMMENDATIONS AND RATIONALE

Staff recommends that the Redevelopment Agency authorize the professional services contract with Fehr and Peers for an amount not to exceed \$160,000 and the contract amendment with Terence O'Hare Associates increasing the contract amount by \$75,000, from \$125,000 to a total of \$200,000. Both of these contracts are essential to the timeline for the environmental review process for the MacArthur Transit Village project. In addition, both contracts will be funded by grant funds that were awarded to the Agency specifically for the environmental review process for the MacArthur Transit Village project.

ACTION REQUESTED OF THE COUNCIL

Staff recommends that the Redevelopment Agency approve the attached resolutions authorizing the Agency Administrator to negotiate and execute a professional services contract with Fehr and Peers, to amend the professional services contract with Terence O’Hare Associates for the MacArthur Transit Village Project, and to waive compliance with the Local and Small Local Business Enterprise program for both contracts.

Respectfully submitted,



Dan Vanderprie, Director of Redevelopment,
Economic Development, and Housing and
Community Development

Prepared by:
Kathy Kleinbaum
Urban Economic Analyst III

APPROVED FOR FORWARDING TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE


OFFICE OF THE CITY ADMINISTRATOR

2006 FEB 16 PM 12:48

APPROVED AS TO FORM AND LEGALITY:



AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH TERENCE O'HARE ASSOCIATES TO INCREASE THE CONTRACT AMOUNT BY \$75,000 FROM \$125,000 TO A TOTAL OF \$200,000 TO PROVIDE PLANNING SERVICES FOR THE ENVIRONMENTAL REVIEW PROCESS FOR THE MACARTHUR TRANSIT VILLAGE PROJECT; AND TO WAIVE COMPLIANCE WITH THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

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 July 25, 2000 (Ordinance No. 12269 C.M.S.), includes the MacArthur Transit Village project; and

WHEREAS, the Agency executed a professional services contract with Terence O'Hare Associates to provide planning services for the environmental review process for the MacArthur Transit Village project and two other Agency projects in January 2003; and

WHEREAS, work on the environmental review process for the MacArthur Transit Village project was delayed due to a change in the development team for the project; and

WHEREAS, the Agency now plans to start the environmental review process for the MacArthur Transit Village project in February 2006; and

WHEREAS, Terence O'Hare Associates is still under contract with the Agency to provide planning services to assist with the environmental review process for the MacArthur Transit Village project; and

WHEREAS, the Planning Division of the Community and Economic Development Agency has stated that they still require the services of Terence O'Hare Associates to assist with oversight of the environmental review process and review of all related documents; and

WHEREAS, the size and scope for the environmental review process for the MacArthur Transit Village project has been expanded considerably since 2003 due to changes in the proposed project and in City requirements for the environmental review process; and

WHEREAS, the Agency has determined that it is necessary to increase the total budget of the contract with Terence O'Hare Associates by \$75,000 in order to complete the work for this project; and

WHEREAS, the Agency has determined that the requirement that Terence O'Hare Associates comply with the Local and Small Local Business Enterprise Program shall be waived; and

WHEREAS, the Agency received a grant from the Alameda County Congestion Management Agency, deposited in MacArthur Transit Village CMA TIP Grant Project (Fund 9213, Project G214310, Redevelopment Projects Org 88669) to cover work related to the environmental review process for the project, which includes this contract; and

WHEREAS, the Agency plans to pay the 3% Contract Compliance fees for this contract from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) since they are not an eligible expense under the CMA TIP Grant; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for 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 amend the Professional Services Agreement with Terence O'Hare Associates to increase the contract amount by \$75,000 from \$125,000 to a total of \$200,000 to provide planning services for the environmental review process for the MacArthur Transit Village Project; and be it

FURTHER RESOLVED: That the Agency waives the requirement that Terence O'Hare Associates comply with the Local and Small Local Business Enterprise Program; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to extend, amend (except as 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 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

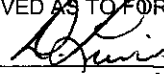
ABSENT-

ABSTENTION-

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

2006 FEB 16 PM 12:48

APPROVED AS TO FORM AND LEGALITY:



AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$160,000 WITH FEHR AND PEERS TO DEVELOP AN ACCESS PLAN FOR THE MACARTHUR TRANSIT VILLAGE PROJECT; AND TO WAIVE COMPLIANCE WITH THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

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 July 25, 2000 (Ordinance No. 12269 C.M.S.), includes the MacArthur Transit Village project and related streetscape improvements; and

WHEREAS, the Agency plans to start the environmental review process for the MacArthur Transit Village project in February 2006; and

WHEREAS, BART requires that an Access Plan for the MacArthur BART Station be completed in conjunction with the environmental review process; 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 Aegis Equity Partners, Shea Properties, and BUILD (BRIDGE Urban Infill Land Development, LLC), organized as MacArthur Transit Community Partners, LLC ("MTCP"); and

WHEREAS, Fehr and Peers is under contract by MTCP to complete the transportation analysis for the environmental review process for the MacArthur Transit Village project; and

WHEREAS, the Agency, BART, and MTCP have determined, and the Agency finds, that it is in their best interest to negotiate solely with Fehr and Peers because it is necessary to use the same transportation consultant team to complete the transportation analysis for both the environmental review process and the Access Plan to assure that the data is consistent and to not delay the schedule of both studies, which need to be completed simultaneously; and

WHEREAS, the Agency has determined that the requirement that Fehr and Peers comply with the Local and Small Local Business Enterprise Program shall be waived; and

WHEREAS, the Agency received a grant from the Alameda County Congestion Management Agency, deposited in MacArthur Transit Village CMA TIP Grant Project (Fund 9213, Project G214310, Redevelopment Projects Org 88669) to cover work related to the environmental review process for the project which includes this contract; and

WHEREAS, the Agency plans to pay the 3% Contract Compliance fees for this contract from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669) since they are not an eligible expense under the CMA TIP Grant; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for 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 for an amount not to exceed \$160,000 with Fehr and Peers to develop an Access Plan for the MacArthur BART Station as part of the MacArthur Transit Village Project; and be it

FURTHER RESOLVED: That the Agency waives the requirement that Fehr and Peers comply with the Local and Small Local Business Enterprise Program; and be it

FURTHER RESOLVED: That the 3% Contract Compliance fee for this contract shall be paid from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund and Project (Fund 9529, Project P187510, Redevelopment Projects Org 88669); and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to reimburse other City departments for fees related to the oversight of the work product completed under this contract; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to extend, amend (except as 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 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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