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**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: October 28, 2003

RE: A resolution authorizing the City Manager to accept and appropriate a contribution of two million seven hundred seventy-five thousand dollars (\$2,775,000) from the Spanish Speaking Unity Council (Unity Council) towards the design and development of the Union Point Park project, and to negotiate and execute a contract with Unity Council in an amount not-to-exceed two million one hundred thousand dollars (\$2,100,000) for project management and design services to implement the design and oversee the development of said Park project with a total project budget of eight million six hundred eighty-four thousand dollars (\$8,684,000).

SUMMARY

The Council is requested to approve a resolution authorizing the City Manager or her designee to accept a contribution of \$2,775,000 from the Spanish Speaking Unity Council (Unity Council) and to negotiate, execute, and award a contract to the Unity Council in an amount not-to-exceed \$2,100,000 for project management services to oversee the design and development of the Union Point Park project valued at \$8,684,000. Development oversight by the Unity Council includes providing full project management services to coordinate and contract for design services, implement the bidding process, assist in construction award, and oversee construction. Project funding is available from the State of California Department of Parks and Recreation's Murray Hayden Urban Parks and Youth Services Program, Oakland Trust for Clean Water and Safe Park Measure DD, General Obligation Bond Measure K - Series 2000D, California State Coastal Conservancy, Port of Oakland, and San Francisco Bay Trail Program.

Union Point Park is a project identified in the City's Capital Improvement Plan for FY 2003-2008. The park contains three parcels of land totaling approximately nine acres of waterfront property located along the Embarcadero. The first part of the park for development consists of six acres known as Parcel 1. The completion of this project will provide the Fruitvale neighborhood with open space that is critically lacking.

FISCAL IMPACTS

In September 2000, the City approved a resolution (no. 75774 C.M.S.) and awarded a contract to Unity Council for the development of the design and specifications for the Union Point Park project. Unity Council had received grant funding from California State Coastal Conservancy (CSCC), which enabled the Unity Council to develop the master plan and begin design for the

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Park. As additional funding became available for the project, Unity Council prepared to manage the entire project from design through construction completion.

The Union Point Park project has total funding of \$8,684,000 available through various funding sources controlled by the City of Oakland or Unity Council.

The City has control of funding for the project from the following sources: **1)** \$1,419,000 from the State of California Department of Parks and Recreation Murray Hayden Urban Parks and Youth Services Program for Union Point Park under project no. C196810 (Fund 2134); **2)** \$490,000 allocated for park capital improvements including site remediation under Measure K, Series 2000D Acquisition, in project no. C196820 (Fund 5014); and **3)** \$4,000,000 from Oakland Trust for Clean Water and Safe Parks, Measure DD, under project no. C243110 (Fund 5320). Total funding available through the City of Oakland is \$5,909,000.

The Unity Council has control of the following funding: **1)** \$1,555,000 from California State Coastal Conservancy (1999 State Senator Don Perata's Members Request); **2)** \$720,000 from California State Coastal Conservancy for master plan development and park design; and **3)** \$500,000 from the San Francisco Bay Trail Program funding via California State Coastal Conservancy. Total funding available through Unity Council is \$2,775,000.

In the funding sources controlled by Unity Council, San Francisco Bay Trails Program and the CSCC funding, the grant agencies require a maintenance commitment agreement from the recipient as a condition of the grant. Since the City will ultimately be responsible for the maintenance and operation of the park, the City will be required to provide a maintenance commitment agreement to the funding agency before the completion of the project.

Maintenance **and** operational costs for the new Union Point Park are not known at this time. Upon completion of the design and construction bid phase, staff will return to the Council for approval of the construction contract award along with a report on estimated operation and maintenance costs for the new park. Costs are expected to increase to operate and maintain a new open park space and facility. Staff will work with the Budget Office to incorporate the additional maintenance and operational costs, as committed to the funding agency, into future budget plans.

BACKGROUND

Union Point Park is a project identified in the City's FY 2003-2008 Capital Improvement Program. Unity Council received grant funding from the California State Coastal Conservancy (CSCC) that enabled Unity Council to begin design for the project. The City approved a resolution (no. 75774 C.M.S.) in September 2000 for Unity Council to develop the master plan and the design for the Union Point Park project. Unity Council used CSCC funding to complete the park master plan and design development of the Park. The park master plan has been completed and Unity Council is in design for the first phase of the development.

On September 30, 2003, City Council approved and amended Unity Council's initial design contract to provide an interim design fee of \$149,920 from available City project funds to allow the Unity Council to continue with the design of the first phase of the development.

The project has sufficient funding to proceed with implementation. Unity Council spearheaded this project. Working closely with the community, Unity Council completed the master plan and proceeded to develop design documents to implement the master plan. With the project funding available, Unity Council wishes to continue with the project implementation and carry the project from design through construction.

PROJECT DESCRIPTION

The project will develop **an** approximately 6-acre site leased from the Port of Oakland along the Oakland waterfront (see attached site plan identified as Parcel 1, marked as Exhibit A, Project Site - Union Point Park Lease). The improvements will include new restroom facilities, open-space playing fields, children's play ground, waterfront trails, picnic and barbeque areas, parking lot, multipurpose play courts, and community gathering spaces, etc.

The six-acre site project is to be developed in two phases. The proposed first phase of the project includes site grading, remediation, and completion of a new parking lot. The second phase will include improvements set out in the master plan as described above.

KEY ISSUES AND IMPACTS

With the funding granted by CSCC to Unity Council, Unity Council, working closely with the community, is able to complete the master plan and help develop the vision for this park. With sufficient funding in place for the project, Unity Council can now work with the City to implement the master plan from design through construction. Unity Council desires to manage the project from design through completion of construction.

The development of an agreement for Unity Council to manage **and** oversee the project will allow the City to implement the project with the assistance of the non-profit organization. Funding of \$8.684 million is available for the implementation of the project, of which, \$5.909 million is available through the City of Oakland and the remainder available through Unity Council.

An agreement would allow the Unity Council to provide full project management services to coordinate and contract for design services, implement the bidding process, assist in construction award, and oversee construction. However, the project construction will be contracted directly between the City and the contractor as required by State law. The contract with Unity Council will address the funding mechanism to disburse the funds in Unity Council's control to the City's construction contractor.

From the total \$8.684 million project funding, the construction budget is estimated to be \$6.584 million. Project management and design costs are estimated to cost \$2.1 million. Project management and design costs will include landscape architect and other consultant costs, construction oversight, permit and utility fees, public art, and contract compliance costs, etc. City oversight and administration costs will be negotiated and be separated from the project agreement. A detailed breakdown of the costs will be incorporated in the agreement.

The tentative project schedule anticipates design completion by Spring 2004, construction award by end of Summer 2004 and construction completion by early 2005.

The Union Point Park project supports Council's Goal #3 to Improve Oakland Neighborhoods and #6 to Maintain and Enhance Oakland's Physical Assets. The park will provide enhanced pedestrian paths along the waterfront and enhance the neighborhood with a new park setting that could attract commercial interest.

The improvement of the site also meets City Council's Goal #4 for Support of Youth to provide a place for quality recreational programs for children and youth.

SUSTAINABLE OPPORTUNITIES

Economic: The project can provide additional employment opportunities during the construction of the facility. In addition, the completed park amenities can allow expansion of programs and potentially increase revenue for the **Parks** and Recreation Department.

Environmental: The project design will incorporate sustainability design and recycled-content materials to the extent possible. The construction of the project will comply with the City's mandate for construction waste reduction and recycling.

Social Equity: The project will continue to provide new amenities to the community of City of Oakland for recreational use, including children and youth, as well as improve the quality of the environment emphasizing **the waterfront as** an asset of the City.

DISABILITY AND SENIOR CITIZEN ACCESS

The developed park will comply with the California Code of Regulations, Title 24 and ADA Accessibility Guidelines. This includes physical features for disability access, disabled parking spaces, accessible walkways, restrooms, drinking fountains, and accessible children's play areas, etc.

RECOMMENDATION(S) AND RATIONALE

Council is requested to authorize the City Manager or her representative to accept and appropriate a contribution of \$2,775,000 from the Spanish Speaking Unity Council (Unity

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Council) towards design, development and implementation of the Union Point Park project, and to negotiate, execute and award a contract to Unity Council in an amount not-to-exceed \$2,100,000 for project management services to provide design, and oversee development and implementation of said Park project with a total project budget of \$8,684,000.

The award of this contract will enable the Unity Council to fully implement the design and construction of the Union Point Park Project and proceed with design and construction to complete this important project.

ACTION REQUESTED OF THE CITY COUNCIL

City Council is requested to approve the resolution to accept and appropriate donations from Unity Council to the Union Point Park project and to execute a contract with the Spanish Speaking Unity Council for project management services to implement design, development and implementation of the Park Project as stated in above recommendation.

Attachment: Exhibit A

Respectfully submitted,



CLAUDETTE R FORD

Director, Public Works Agency

Reviewed by:

Jeanne Zastera, Manager
Facilities Planning & Development Division
Public Works Agency

Prepared by:

Lily Soo Hoo, Project Manager
Facilities Planning & Development Division
Public Works Agency

**APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE**



OFFICE OF THE CITY MANAGER

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No: _____ C.M.S.

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W. Moore

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF TWO MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$2,775,000) FROM THE SPANISH SPEAKING UNITY COUNCIL (UNITY COUNCIL) TOWARDS THE DESIGN AND DEVELOPMENT OF THE UNION POINT PARK PROJECT, AND TO NEGOTIATE AND EXECUTE A CONTRACT WITH UNITY COUNCIL IN AN AMOUNT NOT-TO-EXCEED TWO MILLION ONE HUNDRED THOUSAND DOLLARS (\$2,100,000) FOR PROJECT MANAGEMENT AND DESIGN SERVICES TO IMPLEMENT THE DESIGN AND OVERSEE THE DEVELOPMENT OF SAID PARK PROJECT WITH A TOTAL PROJECT BUDGET OF EIGHT MILLION SIX HUNDRED EIGHTY-FOUR THOUSAND DOLLARS (\$8,684,000).

WHEREAS, Union Point Park is a new nine-acre park development site located along Embarcadero of the City of Oakland water front, bounded on the north by Dennison Street, the Union Point Basin Marina and the Oakland Estuary to the West, and Con Agra concrete at the south: and

WHEREAS, the development of the first phase involves Parcel 1 consisting of approximately six-acres to the south of the site; and

WHEREAS, the City and the Spanish Speaking Unity Council (Unity Council) desire to develop the said park; and

WHEREAS, Unity Council has received grants from California State Coastal Conservancy (\$1555,000 and \$720,000) and San Francisco Bay Trails Program (\$500,000) totaling \$2,775,000; and

WHEREAS, the City has funding from the Proposition 12 State of California Department of Parks and Recreation Murray Hayden Urban Parks and Youth Services Program (\$1,419,000), Measure K - Series 2000D Acquisition Fund (\$490,000), and Oakland Trust for Clean Water and Safe Parks - Measure DD (\$4,000,000) totaling \$5,909,000; and

WHEREAS, the above funding constitute a total of \$8,684,000 available for the project; and

WHEREAS, the development of the Union Point Park project would benefit the City and the Oakland community at large; and

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WHEREAS, the City wishes to award a contract to Unity Council to provide project management services to implement the project; 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 services and that the services are of a professional and temporary in nature; now therefore, be it

RESOLVED: That the City Manager, or her designee, is hereby authorized to accept a contribution of two million seven hundred seventy-five thousand (\$2,775,000) from the Spanish Speaking Unity Council (Unity Council) towards the design, development and implementation of the Union Point Park project, and to negotiate and execute a contract with Unity Council in an amount not-to-exceed two million one hundred thousand dollars (\$2,100,000) for project management services to oversee the design, development and implementation of said Park project with a total project budget of eight million six hundred eighty-four thousand dollars (\$8,684,000); and, be it

FURTHER RESOLVED: That the City Manager, or his designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved by City Attorney for form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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UNION POINT PARK LEASE

SHELL MOUND TRACT
CAMDEN TRACT
2319 AVENUE

Parcel 3

PROJECT SITE
Union Point Park - Parcel 1

EMBARCADERO EAST

OAKLAND WATERFRONT

Union Point Marina
Operated by Others
Under Lease with the Port of Oakland

Parcel 2

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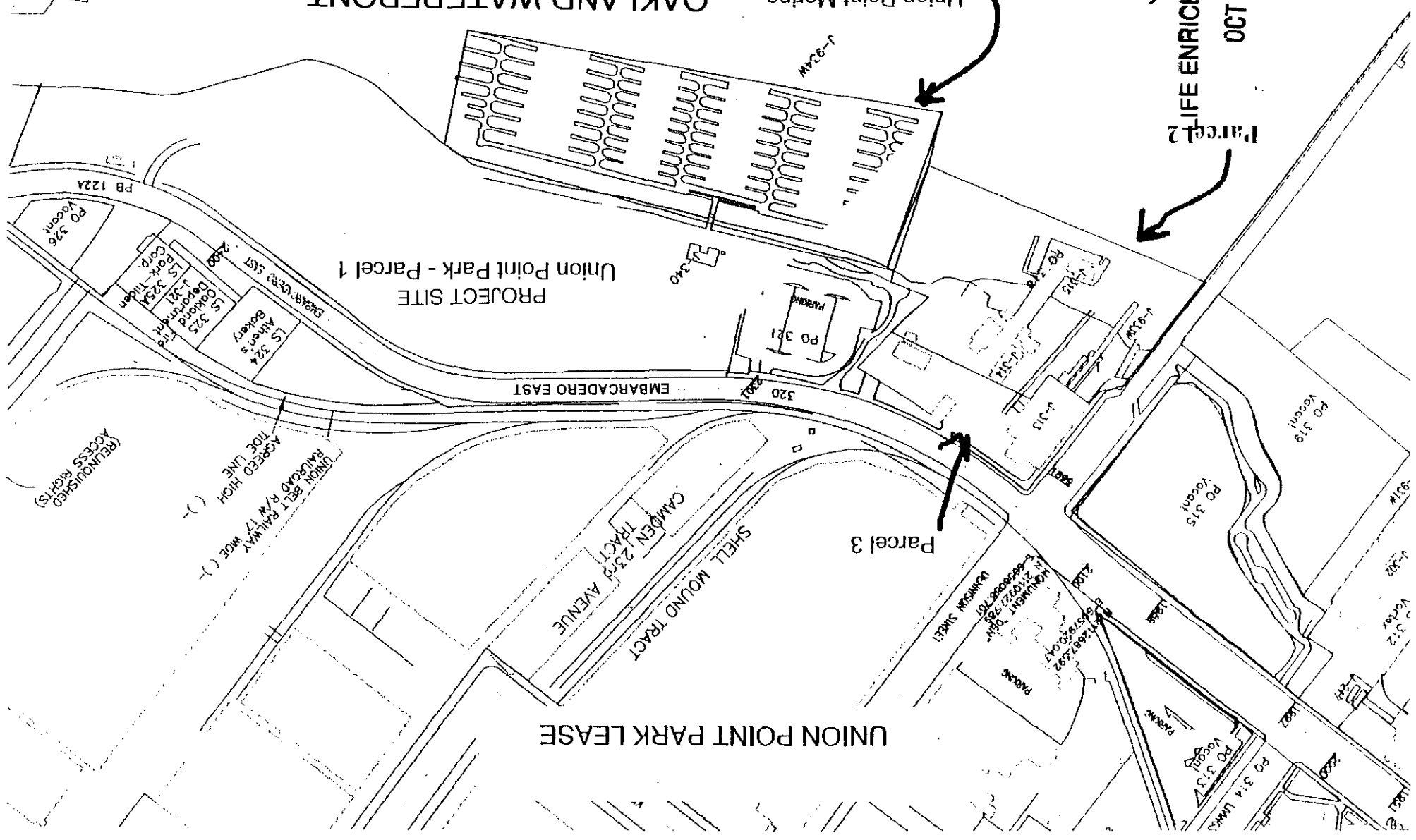


EXHIBIT A