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Celso Ortiz (May 10, 2022 11:24 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89234 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

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**RESOLUTION: 1) AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES TO ESHERICK HOMSEY DODGE AND DAVIS, ARCHITECTS (EHDD) FOR AN AMOUNT NOT-TO-EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) TO PREPARE A FEASIBILITY STUDY FOR AN EXPANDED OR RELOCATED MAIN LIBRARY (PROJECT NO. 1004858), WITH AN OPTION TO AMEND EHDD'S AGREEMENT TO PROVIDE GRANT SUPPORT SERVICES FOR AN AMOUNT NOT-TO-EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) UPON IDENTIFICATION OF ADDITIONAL FUNDING; 2) AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE FUTURE GRANT FUNDS TO SUPPORT THE DESIGN AND CONSTRUCTION OF AN EXPANDED OR RELOCATED MAIN LIBRARY; AND 3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the Main Library, the flagship facility for the Oakland Public Library system, was designed in the 1930s and is vastly undersized to meet the needs of the community and citywide library system it supports; and

**WHEREAS**, a Master Facilities Plan in 2006 identified the need for a revitalized and expanded Main Library nearly twice its current size to support the Oakland Public Library's mission to provide services to Oakland residents and patrons of all ages, races and abilities that enhance the equitable disbursement of Library services, programs, staffing, facilities, technology and resources in order to decrease disparities in life outcomes of marginalized communities and to facilitate equity of opportunity throughout Oakland; and

**WHEREAS**, The Infrastructure and Housing Bonds measure (Measure KK), passed in November 2016, provides funding for the Main Library Feasibility Study through City Council Resolution No. 87376 C.M.S. in the Fiscal Year 2019-21 Capital Improvement Program; and

**WHEREAS**, a Request for Proposals (RFP) for professional architectural services was issued on July 9, 2021, in accordance with Oakland Municipal Code (OMC) 2.04.051 and

Administrative Instruction 150 and three responses were received by Public Works Capital Contracts Division on September 10, 2021; and

**WHEREAS**, the Scope of Services advertised was preparing a feasibility study for an expanded or relocated Main Library along with the option for grant support services, planning work to update the Library's 2006 Master Facilities Plan, and full design services through construction administration; and

**WHEREAS**, the feasibility study provides the crucial framework and community engagement needed to seek potential federal, state, local, and private funding to implement the feasibility study recommendations; and

**WHEREAS**, a five-member panel comprised of staff from Oakland Public Library and Oakland Public Works staff and representatives from Friends of the Oakland Public Library evaluated all three proposals, interviewed all three teams, and recommended EHDD and their subconsultant team as the most qualified and responsive team; and

**WHEREAS**, the feasibility study is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the City Council finds that the agreement with EHDD is for professional services and that services under contract will be temporary; 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; now, therefore, be it

**RESOLVED:** That the City Administrator is hereby authorized to award and execute an agreement with EHDD for an amount not-to-exceed six hundred thousand dollars (\$600,000.00) to prepare a feasibility study for an expanded or relocated Main Library, with an option to amend EHDD's agreement to provide grant support services for an amount not-to-exceed four hundred thousand dollars (\$400,000.00) upon identification of additional funding; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to apply for, accept and appropriate future grant funds to support the design, bid-award, and construction of an expanded or relocated Main Library; and be it

**FURTHER RESOLVED:** That the said agreement shall utilize funds from Measure KK Funds (5332 and 5335); Project (1004858); Capital Projects Organization (92270); Consultant Contract Account (tbd); Awards (23687 and 23940); Program (IN06); and be it

**FURTHER RESOLVED:** That the contracted firm shall comply with all City contracting and compliance program requirements that apply to this agreement, including the Local and Small Local Business Enterprise Program; and be it

**FURTHER RESOLVED:** That the Council finds that the feasibility study is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Council directs the City's Environmental Review Officer to file a Notice of Exemption; and be it

**FURTHER RESOLVED:** That the City Administrator, 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 the contract and any subsequent amendments or extensions shall be reviewed and approved by the Office of 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, JUN 07 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, ~~WAMMAN~~ REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS - 7

NOES - ~~1~~  
ABSENT - ~~Waplan~~  
ABSTENTION - ~~1~~

ATTEST:



ASHA REED

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

## NOTICE AND DIGEST

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 8.68 BY: (1) DELETING THE REQUIREMENT FOR PROOF OF A COVID-19 VACCINATION (PROOF OF COVID VACCINATION) FOR PATRONS AT THE FOLLOWING INDOOR PUBLIC LOCATIONS:**

**(A) ESTABLISHMENTS OR EVENTS WHERE FOOD OR DRINK IS SERVED INCLUDING RESTAURANTS, BARS, COFFEE HOUSES, CLUBS, AND BANQUET HALLS; (B) ENTERTAINMENT VENUES, THEATERS, CONCERT VENUES, MUSEUMS, AND RECREATION FACILITIES; (C) GYMS, FITNESS CENTERS AND YOGA STUDIOS; (D) CITY HALL; AND (E) LARGE INDOOR EVENTS AT CITY AND PRIVATELY- OWNED FACILITIES; AND (2) REQUIRING FACE MASKS FOR PATRONS AT LARGE INDOOR EVENTS AT CITY AND PRIVATELY-OWNED FACILITIES**

This Ordinance (Ordinance) amends Oakland Municipal Code Chapter 8.68 by: (1) deleting the requirement for Proof of a COVID-19 Vaccination (Proof of COVID Vaccination) for Patrons at the following indoor public locations:(A) Establishments or Events where food or drink is served including Restaurants, Bars, Coffee Houses, Clubs, and Banquet Halls; (b) Entertainment Venues, Theaters, Concert Venues, Museums, and Recreation Facilities; (c) Gyms, Fitness Centers and Yoga Studios; (d) City Hall; and (e) Large Indoor Events at City and privately-owned facilities; and (2) requiring Face Masks for Patrons at Large Indoor Events at City and privately-owned facilities. The Ordinance changes the definition of a Large Indoor Event from that with more than five hundred attendees to that with more than a thousand attendees. It does not change the existing requirement for Proof of COVID Vaccination at Senior Adult Care Facilities and City Senior Centers.