

  
City Attorney's Office

# OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCILMEMBER KALB

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**RESOLUTION (1) ACCEPTING AND APPROPRIATING GIFT IN PLACE FUNDS AND SERVICES IN THE AMOUNT OF \$250,000 FROM PACIFIC GAS & ELECTRIC (“PG&E”) TO RETROFIT JACK LONDON AQUATIC CENTER TO ALL-ELECTRIC SERVICE; (2) WAIVING ADVERTISING AND BIDDING AND AWARDING A CONSTRUCTION CONTRACT TO PG&E; AND (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City of Oakland (City) adopted the 2030 Equitable Climate Action Plan (ECAP) in July 2020, a comprehensive strategy to equitably reduce greenhouse gas emissions within the City of Oakland; and

**WHEREAS**, the ECAP identifies the need to eliminate natural gas consumption and connections in all existing buildings; and

**WHEREAS**, the ECAP further requires all major retrofits of existing buildings to be all-electric; and

**WHEREAS**, Pacific Gas and Electric (PG&E), the gas utility serving the City and the Jack London Aquatic Center (JLAC), has indicated a need to remove the gas connection to the JLAC to facilitate needed safety improvements to its natural gas infrastructure; and

**WHEREAS**, PG&E and City staff have worked collaboratively to develop a plan to remove all gas appliances from the JLAC and replace them with electric alternatives; and

**WHEREAS**, PG&E and the City have identified all additional upgrades to the electrical system necessary to accommodate the needed changes to the building energy systems; and

**WHEREAS**, PG&E has offered to provide the capital necessary to cover the costs of this project, as well as directly sub-contracting with contractors and vendors to install the improvements; and

**WHEREAS**, the City Administration recommends that the City utilize the PG&E offer to facilitate transition of the JLAC to all-electric energy systems; and

**WHEREAS**, the JLAC electric energy retrofit project is exempt from CEQA pursuant to CEQA Guidelines Sections 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

**WHEREAS**, using in-place contribution funds and services from PG&E, Public Works staff is requesting authority to enter into a gift in place funding and construction services agreement with PG&E for two hundred and fifty thousand dollars (\$250,000) to energy retrofit the JLAC to all electric service; and

**WHEREAS**, OMC section 2.04.50 A. requires advertising and bidding for the purchase of services, or supplies or combination thereof, which exceeds \$50,000, and award of the purchasing contract to the lowest responsible, responsive bidder; and

**WHEREAS**, OMC section 2.04.050 A. I. 5 provides that the Council may waive advertising and bidding when it is in the best interests of the City to do so; and

**WHEREAS**, City staff recommends waiving the advertising and bidding requirements for this electric energy retrofit construction contract based on the following factors:

**WHEREAS**, waiving the City's advertising and bidding requirements to allow PG&E to directly contract with its bidder represent the only viable option for completing the project in 2021 and allowing the necessary safety work on the adjacent gas main, thus making the waiver of these requirements in the best interests of the City; and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreement(s) authorized hereunder are professional, and are temporary in nature; and

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

**WHEREAS**, the City Administrator has determined 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 Council hereby accepts and appropriates up to two hundred and fifty thousand dollars (\$250,000) from PG&E in gift in place funds and services to install and complete the electric energy retrofit of the JLAC; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that it is in the best interests of the City to waive the advertising and bidding requirements for this electric energy retrofit contract pursuant to OMC section 2.04.050A I. 5 based on the reasons and circumstances set forth in this resolution; and be it

**FURTHER RESOLVED:** That the City Administrator, or his designee, are hereby authorized to enter an electric energy retrofit construction services and gift in-place funding agreement(s) for the JLAC electric energy retrofit project as herein described; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee is hereby

authorized to accept and appropriate, as needed, any additional contribution of in-place funds or services for the same purposes described above and consistent with this resolution and its basic purposes without returning to Council; and be it

**FURTHER RESOLVED:** That the Council finds that the JLAC electric energy retrofit Project is exempt from CEQA pursuant to CEQA Guidelines Sections 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 Administrator or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on the JLAC electric energy retrofit project named in this resolution; and be it

**FURTHER RESOLVED:** That the City Administrator or designee, is authorized to execute on behalf of the City of Oakland, by electronic signature or other method required by PG&E, the agreement with PG&E to construct the proposed improvements at the JLAC; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to accept and appropriate said funds; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to take any other action necessary consistent with this resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That said agreement(s) shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the  
Council of the City of Oakland,  
California