

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COOPERATIVE AGREEMENT TO PURCHASE SERVICES FROM CONGER MOSS GUILLARD (CMG) LANDSCAPE ARCHITECTURE FOR THE DEVELOPMENT OF THE SUB-REGIONAL SHORELINE ADAPTATION PLAN BY RELYING ON AN EXISTING PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ALAMEDA AND CMG LANDSCAPE ARCHITECTURE FOR AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED FIFTY-FIVE THOUSAND AND ONE HUNDRED DOLLARS (\$1,355,100); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, in 2023, the California Legislature adopted, and the Governor approved, Senate Bill (SB 272) focusing on sea level rise planning and adaptation, and requiring local and regional governments in coastal areas to develop comprehensive and sub-regionally coordinated sea level rise plans by January 1, 2034; and

WHEREAS, SB 272, Subsection 30985(a)(2) requires a local government within the jurisdiction of the Bay Conservation and Development Commission (BCDC) to develop a sea level rise plan as part of a sub-regional San Francisco Bay shoreline resiliency plan that is subject to approval by BCDC consistent with the guidelines established by BCDC; and

WHEREAS, Senate Bill 1 (SB 1) directs the state to provide funding towards local and regional governments, administered through the Ocean Protection Council of the California Natural Resources Agency, to develop sea level rise adaptation plans and implementation projects with \$21.3 million available for funding as of January 2026 for Track 1: Sub-Regional Shoreline Adaptation Planning, accepted through a rolling, quarterly process for an amount per jurisdiction totaling no greater than 1.5 million dollars, and Track 2: Sea Level Rise Implementation Projects, operating on an annual, competitive basis, pending availability of funding; and

WHEREAS, the City of Oakland's shoreline and oceanic geography is located within two Operational Landscape Units (OLUS), including the San Leandro OLU and the East Bay Crescent OLU, and includes the city of Alameda and the cities of Emeryville, Berkeley and Albany as sub-regional partners; and

WHEREAS, the City of Oakland applied for and was awarded \$144,900 in SB 1 funds, through Agreement #C0227125, for staff coordination with sub-regional partners as a Phase 1 strategy titled, “City of Oakland OAAC and EBC Regional Planning Effort,” towards partial development of the Sub-Regional Shoreline Adaptation Plan, including development of Element B: Existing Conditions and Element C: Vulnerability Assessment, and portions of Element A: Planning Process in accordance BCDC Guidelines; and

WHEREAS, the Phase 1 strategy towards partial development of the Sub-Regional Shoreline Adaptation Plan leverages concurrent efforts led by, and funded through SB 1 Grant Awards to, the City of Alameda and the Association of Bay Area Governments/San Francisco Estuary Program (SFEP) as project manager for the East Bay Crescent (EBC) cities of Oakland, Emeryville, Berkeley and Albany, who have each entered into contracts with technical consultants CMG Landscape Architecture for the development of their Sub-Regional Shoreline Adaptation Plans; and

WHEREAS, the City of Oakland intends to complete a full and coordinated Sub-Regional Shoreline Adaptation Plan, including the required Elements A: Planning Process, D: Adaptation Strategies and Pathways, E: Land Use and Policy Plan, F: Implementation Plan and Funding Strategy, and G: Project List, which will require additional grant funding to purchase professional services and enter into a contract with a qualified firm with deep experience in climate adaptation planning and extensive knowledge of the San Leandro and East Bay Crescent OLU; and

WHEREAS, under the grant program, the City of Oakland may request up to an additional One Million Three Hundred Fifty-Five Thousand One Hundred Dollars (\$ 1,355,100), which collectively totals the full allowable SB 1, Track 1 award per jurisdiction, to complete a Sub-Regional Shoreline Adaptation Plan; and

WHEREAS, given the continuous nature of shoreline protection systems, the City of Oakland proposes to work with partner cities adjacent to our shoreline (Alameda, Emeryville, Albany, and Berkeley) to mutually develop plans, utilizing a single consultant team to streamline the efforts and maximize the use of resources; and

WHEREAS, the approach, which all other cities have now committed to, leverages existing cross-jurisdictional partnership and progress towards sea level rise adaptation along Oakland’s shoreline, led since 2021, by the Oakland Alameda Adaptation Committee (OAAC), with technical analysis, design, and community outreach managed and performed through a Professional Services Agreement with CMG Landscape Architecture; and

WHEREAS, upon reviewing the City of Alameda’s public bidding process, the City of Oakland Controller and Department of Finance have confirmed that Alameda’s Request for Proposals process and Professional Services Agreement with CMG Landscape Architecture meet Oakland’s standards in promoting fairness, transparency, and responsible use of public funds; and

WHEREAS, the scope and rate pay for the services necessary to complete Oakland’s RSAP align with the City of Alameda’s contract, as required for execution of the cooperative agreement; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to enter into a cooperative agreement to purchase services from CMG Landscape Architecture for the development of the Sub-Regional Shoreline Adaptation Plan by relying on an existing professional services agreement

between the City of Alameda and CMG Landscape Architecture, in an amount not to exceed one million three hundred fifty-five thousand and one hundred dollars (\$1,355,100) contingent upon the availability of funding; and be it

FURTHER RESOLVED: That the City Administrator is authorized to approve any subsequent amendments or extensions of the agreement and any other implementing agreements with CMG Landscape Architecture, except those that increase the total contract amount, provided such amendments or extensions are filed with the Office of the City Clerk; and be it;

FURTHER RESOLVED: That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to applicable provisions of the CEQA Guidelines, including Section 15307 (Actions for Protection of Natural Resources), 15308 (Actions for Protection of the Environment), and 15061(b)(3) (Common Sense Exemption), as the work involves sea level rise planning and does not encompass physical construction;

FURTHER RESOLVED: That prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney's Office and executed copies of each agreement shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California