



# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Coliseum-area development agreements

DATE: February 9, 2012

City Administrator  
Approval

*Deanna Santana*

Date

2/16/12

COUNCIL DISTRICT: #7

## RECOMMENDATION

Staff recommends the adoption of:

1. A Resolution Authorizing An Exclusive Negotiating Agreement With JRDV Urban International, HKS Sports And Entertainment, HKS Inc., And Forest City Real Estate Services LLC, Or Affiliated Entities, For Development Of The Coliseum City Project At The Oakland-Alameda County Coliseum Complex And Environs, And Authorizing Predevelopment Funding Of The Developer's Planning Work In An Amount Not To Exceed \$1.6 Million; and
2. A Resolution Authorizing A Professional Services Contract With Lamphier-Gregory And Team Of Consultants, In An Amount Not To Exceed \$1,900,000, For Services Related To The Oakland Alameda Coliseum Complex And Environs And The Oakland Airport Business Park Specific Plans And Environmental Impact Report Without Return To Council

## EXECUTIVE SUMMARY

Per the Funding Agreement executed on March 3, 2011, as approved by the Oakland City Council (Resolution No. 83256 C.M.S.), and also as submitted in the First Amended and Restated Enforceable Obligation Payment Schedule (EOPS), approximately \$3.5 million has been allocated by the City Council to pay for the future development of the 750 acres surrounding the Oakland-Alameda County Coliseum Complex, and the business park east of the Oakland International Airport (see *Attachment A*).

Item: \_\_\_\_\_

Community and Economic Development Committee  
February 28, 2012

The competitive RFP issued by the City for this project in October, 2011, stated:

“Coliseum City” and the Oakland Airport Business Park are among the most exciting development opportunities in the San Francisco Bay Area. The City envisions this area as a location for sub-regional corporate headquarters, combined with a sports and entertainment complex, all accessible to multiple modes of transportation. The Coliseum is home to Oakland’s three sports franchises, and audiences numbering nearly 100 million in the last forty years have made the Coliseum and Arena the premier entertainment facilities in Northern California.

Six consultant teams applied for the contract. A selection interview panel made up of City and Agency staff (including the Assistant City Administrator, the CEDA Deputy for Redevelopment, the Planning Director, Coliseum Redevelopment Area Manager and a representative from the Port of Oakland), interviewed all six teams, and one team was selected, led by JRDV Urban International -- an architecture, urban design and real estate development company, based in Oakland, with work in Oakland, San Jose, and internationally, in Malaysia and Mexico. Combined, the JRDV/HKS/Forest City team, with the Lamphier Gregory team of consultants, has a 38% local and small business participation rate.

As noted above, two different contracts are sought for this work. The ENA is with a development team consisting of JRDV; Forest City Real Estate Services, a national developer of retail, office, and mixed-used communities (including The Uptown apartments in downtown Oakland, and the Westfield San Francisco Centre); and HKS Sports and Entertainment and HKS, Inc. (planners and designers of the Cowboys Stadium in Texas and other sports facilities). The ENA will not preclude the ability of the City and the development team to bring on other development team members in the future. The ENA will also provide for predevelopment grant funding by the City to the development team to fund a portion of its development planning costs during the ENA period in an amount not to exceed \$1.6 million.

The separate professional services agreement for the Specific Plans and the Environmental Impact Report is with a team led by Lamphier-Gregory, an Oakland-based company with an extensive practice in Oakland and the Bay Area, who will produce the Specific Plans for both areas, and, under the requirements of the California Environmental Quality Act (CEQA), the Environmental Impact Report (EIR) for the Specific Plans. The schedule to complete the Specific Planning process and EIR is approximately fourteen to eighteen months from the time of the contract being signed by all parties.

## OUTCOME

Authorizing the City Administrator to enter into these two contracts will start the future development of the 750 acres surrounding the Oakland-Alameda County Coliseum Complex, and the business park east of the Oakland International Airport.

## BACKGROUND/LEGISLATIVE HISTORY

The area surrounding the Oakland-Alameda County Coliseum Complex serves as the sports/entertainment destination for the East Bay and is located adjacent to a major local and regional transportation hub, and features stunning waterfront views and direct freeway access to and visibility from I-880. The site is only minutes away from the Oakland International Airport and serves as a major gateway into Oakland and the entire region.

The area is being developed as part of a larger vision for the surrounding area that includes: the Oakland Airport Connector, a \$500 million transportation project; Oakland International Airport terminal expansion projects; Coliseum freeway auto mall; Lion Creek Crossing and Coliseum Transit Village housing developments; and other projects that will extend mixed-use development opportunities from the Coliseum Complex to the Oakland International Airport.

*Attachment A* to this report shows the 750 acres divided into two sub areas:

- “Coliseum City” (Area 1): located within and surrounding the Oakland-Alameda County Coliseum Complex, with I-880 as the westernmost boundary, Hegenberger Road as the southernmost boundary, Hawley Street as the easternmost boundary and Independent Road as the northernmost boundary. The Oakland-Alameda County Coliseum Complex consists of approximately 120 acres with the north and south parking lots and includes the Coliseum “O.co” Stadium and Oracle Arena facilities. In addition, the City owns a number of key perimeter parcels surrounding the Oakland-Alameda County Coliseum Complex along San Leandro Street, 66<sup>th</sup> Avenue, Hegenberger Road and Joe Morgan Way (formerly Coliseum Way) which can be incorporated into the Specific Planning process.
- “Oakland Airport Business Park” (Area 2) starts at Oakport Street along I-880, opposite from the Oakland Alameda County Coliseum Complex, follows the estuary waterfront towards Doolittle Drive and has Hegenberger Road as its southern boundary.

### ***Exclusive Negotiating Agreement (ENA)***

The ENA with the JRDV/HKS/Forest City development team will allow private predevelopment work to proceed for Area 1. The ENA between the City and the development team is for the purpose of determining the capacity of the development team to deliver on the project, and for studying and evaluating the feasibility of a new stadium development. As a condition of this ENA, the development team seeks predevelopment funding to offset their predevelopment activity costs during the timeframe of the agreement. Predevelopment funds shall be disbursed based on a schedule of tasks to be completed by the development team. Some of the key tasks that are proposed to be included in the agreement are:

- The development team will submit a project description that includes site plans, elevations, proposed scaling and circulation. The project description will be reviewed by the City and will be presented to all major stakeholders prior to being finalized.
- The development team will develop a series of project pro formas to evaluate the financial feasibility of the project that will include an analysis of the need for financial assistance from all possible equity sources.
- The development team will conduct a series of in-depth market, merchandising and licensing analysis to determine the investment capital for the project.

In order to assist the review and approval process of the required submittal items, the City intends to execute a twelve (12) month ENA with a six (6) month extension option. The extension option will be subject to the City Administrator's discretion, which may be exercised when all agreement terms and conditions have been met.

The proposed ENA will memorialize both the roles and responsibilities of the City and the JRDV/HKS/Forest City master developer team during the proposed negotiating period. Upon receiving authorization from Council to enter into the ENA, the following issues will be addressed:

1. Further negotiations in order to define the ultimate relationship between the City and the master developer team.
2. Secure a requisite funding and phasing strategy to ensure that a stadium development project can be built.
3. In partnership with the development team, the City will conduct due diligence efforts to ensure that a proposed project represents the highest and best use and would fulfill the development objectives to the maximum extent feasible.
4. Conduct further discussions and begin negotiations with all the major stakeholders to continue their support and partnership for the proposed development.

***Professional Services Agreement for Specific Plans and EIR***

The professional services agreement with the Lamphier-Gregory team will result in up to two Specific Plans, as well as an Environmental Impact Report for both Area 1 and Area 2.

The purpose and intent of the Specific Plans under this contract is to provide policy guidance on how the two project areas would develop and drive economic return for the benefit of the entire Oakland community through job generation and employment, and balance land use goals with environmental and economic interests, as well as providing the regulatory framework to encourage and support development. The Specific Plans will build upon previous planning efforts, including but not limited to the Coliseum Redevelopment Plan, and be coordinated with

other public and private development projects underway for properties in close proximity. This will entail coordination of planning and development efforts with the Alameda County Joint Powers Authority, professional sports franchises, BART, Port of Oakland, Capitol Corridor Amtrak, Union Pacific on the Coliseum City side (Area 1), and the Port of Oakland, Airport Area Business Association and other major stakeholders including operational businesses and large property owners on the Business Park side (Area 2).

### ANALYSIS

As noted above, the JRDV/HKS/Forest City and Lamphier Gregory teams, both including Oakland-based companies, were selected by a panel of City and Port Staff. Other teams which applied for the Coliseum Area request for proposals were:

- The Planning Center/DC&E, Berkeley, CA
- Dyett & Bhatia, San Francisco, CA
- Gensler, San Francisco, CA
- Perkins & Will, San Francisco, CA
- ROMA Design Group, San Francisco, CA

### PUBLIC OUTREACH/INTEREST

The Coliseum Area Request for Proposals was widely circulated in the real estate development, planning consulting, and environmental consulting fields. Once the contracts described in this report are negotiated and signed, and the planning process for the Coliseum Area Specific Plans begins, there will be a robust community and business outreach strategy, in the scope of work for Lamphier Gregory.

The planning process must be built upon broad public involvement, and on creative methods for finding common ground among diverse groups: public agencies, professional sports franchises, community members, neighborhood groups and business organizations, business owners, property owners and developers.

The consultant shall develop a detailed, multilingual outreach and public participation strategy that includes creative alternative approaches to maximize participation from traditionally underrepresented stakeholder groups, such as members of lower-income renter communities and non-English speaking communities. The outreach and public participation program should include large community workshops and smaller meetings with stakeholder groups, mailings, project website and any other tools necessary to solicit community input on each of the proposed Specific Plans.

## COORDINATION

Staff from the former CEDA Redevelopment division and the former CEDA-Strategic Planning division prepared this report and the attendant resolutions, in consultation with the City Attorney's office. The Port of Oakland participated on the selection team during the RFP process; the Alameda County Joint Powers Authority has also been consulted during the process.

## COST SUMMARY/IMPLICATIONS

Because this report addresses two, separate contracts -- the ENA and the Professional Services Agreement -- the following tables explain the details of each contract.

1. COST OF PROJECT (ENA with JRDV/HKS/Forest City development team):

Project Delivery	\$1,541,000
Construction	n/a
Contingency	59,000
Total Project Costs	\$1,600,000

2. COST ELEMENTS OF CONTRACT (ENA with JRDV/HKS/Forest City development team):

Sub Project/Phases	\$1,600,000
Management	n/a
Equipment	n/a
Software	n/a
Maintenance	n/a
Service	n/a
Labor Rates	n/a
Taxes and Fees*	n/a
TOTAL AGREEMENT/CONTRACT AMOUNT	\$1,600,000

3. COST OF PROJECT (Professional Services with Lamphier-Gregory team):

Project Delivery	\$1,593,840
Construction	n/a
Contingency	\$306,160
Total Project Costs	\$1,900,000

4. COST ELEMENTS OF CONTRACT (Professional Services with Lamphier-Gregory team):

Sub Project/Phases	\$1,900,000
Management	n/a
Equipment	n/a
Software	n/a
Maintenance	n/a
Service	n/a
Labor Rates	n/a
Taxes and Fees*	n/a
TOTAL AGREEMENT/CONTRACT AMOUNT	\$1,900,000

5. SOURCE OF FUNDING:

Funds are available, in the amount of \$3.5 million, under the Funding Agreement advance and the Enforceable Obligation Payment Schedule from Coliseum project area fund balance #9450, for both a Coliseum City ENA project and a Coliseum Specific Plan/EIR project to be determined.

6. FISCAL IMPACT:

The predevelopment grant funding to be provided by the City under the ENA to cover a portion of the development team's planning costs is not to exceed \$1.6 million; the contract amount under the Professional Services agreement with Lamphier-Gregory is not to exceed \$1.9 million, which includes a contract contingency.

FISCAL/POLICY ALIGNMENT

The funds to select a team to develop the Coliseum area was approved by Council in March, 2011, as part of the Funding Agreement; in addition, the funds for the project was included in the First Amended and Restated Enforceable Obligation Payment Schedule (EOPS).

Section 34167.5 of the California Health and Safety Code addresses agreements between redevelopment agencies and their host jurisdictions to transfer assets. It reads as follows:

Commencing on the effective date of the act adding this part, the Controller shall review the activities of redevelopment agencies in the state to determine whether an asset transfer has occurred after January 1, 2011, between the city or county, or city and county that created a redevelopment agency or any other public agency, and the redevelopment agency. If such an asset transfer did occur during that period and the government agency that received the assets is not contractually committed to a third party for the expenditure or encumbrance of those

assets, to the extent not prohibited by state and federal law, the Controller shall order the available assets to be returned to the redevelopment agency or, on or after October 1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170). Upon receiving such an order from the Controller, an affected local agency shall, as soon as practicable, reverse the transfer and return the applicable assets to the redevelopment agency or, on or after October 1, 2011, to the successor agency, if a successor agency is established pursuant to Part 1.85 (commencing with Section 34170). The Legislature hereby finds that a transfer of assets by a redevelopment agency during the period covered in this section is deemed not to be in the furtherance of the Community Redevelopment Law and is thereby unauthorized.

This language suggests that the transfer of the funds for this contract may be subject to review by the State for potential "clawback," since the funds were transferred after January 1, 2011. However, it also provides a transfer between redevelopment agencies and its host jurisdiction will be exempted from the clawback provision if the transferred assets are contractually committed to a third party. Since the funds for these contracts might be subject to an attempt by the State to return these funds to the successor agency, there could be risks to the City's General Purpose Fund if money is expended for the contracts and the State later deems the expenditures invalid; however, entering into the ENA with the development team and the professional services agreement with the planning consultant should protect the funds from clawback, since the funds will have been contractually committed to third parties for expenditure prior to any clawback order.

#### PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

There are four lead companies entering into the two contracts with the City:

- **JRDV** is under contract with the City to prepare the West Oakland Specific Plan. This plan is ongoing, and is currently on time, and on budget.
- **Forest City**: The ENA will be signed with Forest City Real Estate Services, LLC, an affiliated entity with Forest City Enterprises, the developer of the 665-unit Uptown Apartments in downtown Oakland. Forest City completed the Uptown Apartments ahead of schedule and on budget. The residential development is fully leased and Forest City is doing an outstanding job in managing the project. To date, Forest City is in full compliance with the Lease Disposition and Development Agreement and the Ground Lease that it entered into with the Agency and City of Oakland.
- **Lamphier-Gregory** has, most recently, prepared EIRs for the West Oakland and Central City East Redevelopment Plans, and done project planning on the Kaiser Oakland Medical Center, and the Alta Bates/Summit Medical Center.

- HKS Sports and Entertainment and HKS, Inc: the City has no prior contracts with these companies.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The Specific Plans will encourage building a vibrant, mixed-use and entertainment regional center at the Oakland-Alameda County Coliseum Complex; and new development and improvements at the Oakland Airport Business Park. Both of these projects will have a significant impact on development of the area, and will create and attract a range of high-quality jobs in growth industries, which fit with the varying workforce skills of Oakland residents. The development which results from these specific plans is anticipated to generate significant revenue from lease revenues, sales tax, and other sources.

The Specific Plan for the Coliseum area will offer the opportunity to provide a new, world-class sports/entertainment facility, destination retail, hotel, office and residential uses. The concept is to create an economic and sustainable development that would enhance the local area, residents and business owners alike, while serving major sports franchises, and act as a catalyst for the Oakland community. The Staples Center, and adjoining LA Live developments in downtown Los Angeles are an example of how the City envisions a new "Coliseum City."

As part of a new vision for the Oakland Airport Business Park, the Specific Plan for this area focuses on a constructing medium-to-large floor plate buildings, to attract emerging technical, scientific and advanced manufacturing businesses. These industries include biotechnology, life sciences, research and development, multimedia, green tech and other industries including artisan food production, that involve creative and technology-oriented work taking place in large, open, flex office or light industrial spaces. Several of these industries are experiencing robust growth with great potential for the future, and may be attracted to the site, due to its proximity to Oakland International Airport.

Combined, the JRDV/Forest City/HKS team of developers, and the Lamphier-Gregory team of consultants has a 38% local and small business participation rate in its budget<sup>1</sup>. JRDV is based in Oakland. Lamphier-Gregory is based in Oakland, and its team of subconsultants includes the following companies, based either in Oakland, or with offices here: Conley Consulting Group; Hausrath Economics; Willdan Group; BKF Engineers; Strategic Engineering & Science; and Garcia & Associates.

**Environmental:** There are several environmental benefits associated with the Coliseum Area Specific Plans.

1. "Coliseum Shoreline" provides direct waterfront access to the estuary, and the Plans will reserve this area for open space, recreation and related uses. These areas are the 100 feet

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<sup>1</sup> Analysis done by the City's Contracts Compliance staff.

of land adjacent to the Alameda County Flood Control channels, which circle the Coliseum complex, and border the Martin Luther King Jr Regional Shoreline.

2. The Environmental Impact Report which will be prepared and adopted to support the Specific Plans will streamline the environmental review (and corresponding time and resources) of projects that fall within its scope.
3. New construction that results from the Specific Plans will lead the nation in achieving “green” development, both by targeting green businesses, and by incorporating green development practices into new retail, office, and R&D buildings. The City has a Green Building Ordinance for private development.
4. The consultant team may need to explore the environmental conditions of the study area. Since potential contaminated soils and groundwater may exist in certain areas, additional studies might be recommended to identify potential contaminants, and suggest remediation.

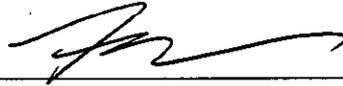
***Social Equity:*** New development should provide real, long-term benefits to the East Oakland community and to residents throughout Oakland and should provide a broad range of high quality jobs that benefit Oakland residents and offer a living wage.

### CEQA

The City Council is being asked to find and determine that the two resolutions comply with the California Environmental Quality Act (CEQA). Specifically, the actions taken under the resolutions are exempt from CEQA, pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (“Feasibility and Planning Studies”); Section 15306 (“Information Collection”); and Section 15061 (b) (3) (“General Rule”), 15183 (“Projects consistent with a General Plan or Zoning”). On a separate and independent basis, the two resolutions comply with CEQA because they rely on the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the Oakland General Plan (1998).

For questions regarding this report, please contact Eric Angstadt, Director, Department of Planning and Neighborhood Preservation, at 510-238-6190.

Respectfully submitted,



FRED BLACKWELL,  
Assistant City Administrator

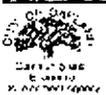
Prepared by:   
Eric Angstadt, Director  
Department of Planning and Neighborhood Preservation

Attachments

Attachment A. Maps of the Coliseum complex area (Area 1), and the Oakland Airport Business Park area (Area 2)

Item: \_\_\_\_\_

Community and Economic  
Development Committee  
February 28, 2012

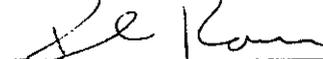


**Attachment A: Coliseum Area Specific Plans**  
 Plan Area Boundary

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 FEB 16 PM 5:44

Approved as to Form and Legality:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH JRDV URBAN INTERNATIONAL, HKS SPORTS AND ENTERTAINMENT, HKS INC., AND FOREST CITY REAL ESTATE SERVICES LLC, OR AFFILIATED ENTITIES, FOR DEVELOPMENT OF THE COLISEUM CITY PROJECT AT THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX AND ENVIRONS, AND AUTHORIZING PREDEVELOPMENT FUNDING OF THE DEVELOPER'S PLANNING WORK IN AN AMOUNT NOT TO EXCEED \$1.6 MILLION**

**WHEREAS**, as listed in the First Amended and Restated Enforceable Obligation Payment Schedule, and as included in the Funding Agreement entered into by the City on March 3, 2011, approximately \$1.6 million has been allocated by the City Council from former Redevelopment Agency funds to offset predevelopment costs associated with the future development of the Coliseum City project on approximately 200 acres surrounding the Oakland-Alameda County Coliseum Complex; and

**WHEREAS**, the City envisions this area as an ideal location for a world class mixed use, sports, office, hotel and entertainment complex, all accessible to multiple modes of transportation, taking advantage of the proximity of the Oakland International Airport; and

**WHEREAS**, the City issued an advertised, competitive Request for Proposals for attracting developers and for contracting Specific Plans and related EIR services in October, 2011, with a deadline for submission of November 4, 2011; and

**WHEREAS**, six consultant teams responded by the deadline to the Request for Proposals; and

**WHEREAS**, after City, Redevelopment Agency and Port of Oakland staff interviewed the six consultant teams, the City selected JDRV Urban International, HKS Sports and Entertainment, HKS Inc., and Forest City Real Estate Services LLC as the preferred developer team for the Coliseum City project; and

**WHEREAS**, the City and the development team wish to enter into a period of preliminary study and negotiations over the project, understanding that this does not constitute a binding commitment on the part of the City to any developer or to participate in any project; and

**WHEREAS**, the development team is seeking predevelopment funding in the amount of \$1.6 million to cover a portion of their costs of predevelopment activities related to the project, and said funds have been transferred to the City in a fund to be yet determined from previous Coliseum fund balance (#9450); now, therefore, be it

**RESOLVED:** That the City Administrator, or her designee, is hereby authorized to negotiate, and enter into an Exclusive Negotiating Agreement with JRDV Urban International, HKS Sports and Entertainment, HKS Inc., and Forest City Real Estate Services LLC, or affiliated entities approved by the City Administrator, for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the potential development of the Coliseum City project at the Oakland-Alameda County Coliseum Complex and surrounding environs; and be it

**FURTHER RESOLVED:** That the exclusive negotiating period will be for 12 months from the date of this Resolution, with an option to extend said period for an additional six months at the discretion of the City Administrator or her designee; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes predevelopment grant funding to the development team in an amount not to exceed \$1.6 million to fund a portion of the development team's predevelopment costs associated with the Coliseum City project during the ENA period; and be it

**FURTHER RESOLVED:** That the predevelopment grant funding shall be provided on such terms and conditions as the City Administrator shall determine; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered the environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA , pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule), 15183 ("Projects consistent with a General Plan or Zoning"); and on a separate and independent basis, this action complies with CEQA because it relies on the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the Oakland General Plan (1998); and be it

**FURTHER RESOLVED:** That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; and be it

**FURTHER RESOLVED:** That the City 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 City Council hereby authorizes the City Administrator or her designee to negotiate and execute documents and take all other actions necessary with respect to the Exclusive Negotiating Agreement, the predevelopment funding, and the project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**OAKLAND CITY COUNCIL**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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

2012 FEB 16 PM 5:41  
Introduced by Councilmember \_\_\_\_\_

Hlee  
City Attorney

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH LAMPHIER-GREGORY AND TEAM OF CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$1,900,000, FOR SERVICES RELATED TO THE OAKLAND ALAMEDA COLISEUM COMPLEX AND ENVIRONS AND THE OAKLAND AIRPORT BUSINESS PARK SPECIFIC PLANS AND ENVIRONMENTAL IMPACT REPORT WITHOUT RETURN TO COUNCIL**

**WHEREAS**, Per the Funding Agreement adopted on March 3, 2011 by the Oakland City Council (Resolution #83256 CMS), and as submitted in the First Amended and Restated Enforceable Obligation Payment Schedule (EOPS), approximately \$3.5 million has been allocated by the City Council to fund preparation of up to two specific plans, an environmental impact report ("EIR") and other predevelopment costs for the future development of the 750 acres surrounding the Oakland-Alameda Coliseum Complex, and the business park east of the Oakland International Airport; and

**WHEREAS**, The City envisions this area as a location for sub-regional corporate headquarters, combined with a mixed use, sports and entertainment complex, all accessible to multiple modes of transportation, taking advantage of the proximity of the Oakland International Airport;

**WHEREAS**, The City issued an advertised, competitive Request for Proposals for contracting services for these two specific plans and EIR in October, 2011, with a deadline for submission of November 4, 2011; and

**WHEREAS**, six consultant teams responded by the deadline to the Request for Proposals; and

**WHEREAS**, after City, Redevelopment Agency and Port of Oakland staff interviewed the six consultant teams, which included Lamphier-Gregory, a professional services company based in Oakland; and

**WHEREAS**, the interview team has identified Lamphier-Gregory as the firm best situated and qualified to serve as the prime contractor to prepare the Specific Plans and the EIR; and

**WHEREAS**, under a separate Council resolution, an Exclusive Negotiating Agreement is sought with JRDV Urban International separately to facilitate private predevelopment work at the Oakland Alameda Coliseum complex, for an amount not to exceed \$1.6 million; and

**WHEREAS**, sufficient funds for the specific plans and EIR are available under the Enforceable Obligations Payment Schedule; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that services under these contracts will be temporary, and the performance of these contracts is in the public interest because of economy; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts 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 City Administrator, or her designee, is hereby authorized to award, negotiate, and enter into professional services agreements with Lamphier-Gregory and sub-consultants, as needed, for the preparation of the Coliseum Area Specific Plan(s) and EIR, for an amount of \$1,900,000, including contingency, and to execute any amendments or modifications of said professional services agreements, within the limitations of the Project budget, without returning to the City Council; and be it

**FURTHER RESOLVED**, That the City Council has independently reviewed and considered the environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 (“Projects consistent with a General Plan or Zoning”); on a separate and independent basis, the two resolutions comply with CEQA because they rely on the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the Oakland General Plan (1998); and be it

**FURTHER RESOLVED**, That the professional services agreements shall be reviewed and approved by the City Attorney for form and legality, and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California