

RESOLUTION NO. 23-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The Execution Of The Second Amendment Of The Professional Services Contract With David Paul Rosen And Associates To Provide Developer Selection, Negotiation And Closing Assistance Services Associated With The Christie Sites, Increasing The Contract Amount By \$50,000 To An As-Amended A Total Amount Not To Exceed \$200,000 And Extending The Contract Term Ending To March 31, 2024

WHEREAS, the City of Emeryville owns three parcels located at 5890, 5900 and 6150 Christie Avenue (Assessor Parcel Numbers 49-1493-3, -4 and -5) totaling 2.01 acres (the “Christie Sites”); and

WHEREAS, the Christie Sites were acquired by the former Emeryville Redevelopment Agency using low and moderate-income housing funds; and

WHEREAS, on August 31, 2012 the California Department of Finance (“DOF”) approved the Christie Sites as a housing asset for transfer to the City as Housing Successor to the Emeryville Redevelopment Agency; and

WHEREAS, pursuant to California Health and Safety Code Section 33334.16, activities to develop the Christie Sites are required to commence within five years of the DOF’s approval of the Christie Sites as a housing asset, with this time period subject to a single, five-year extension if the City affirms, by resolution, its intent to use the Christie Sites for the development of affordable housing; and

WHEREAS, on July 25, 2017, the City Council adopted Resolution No. 17-130, which affirmed the City’s intent to use the Christie Sites for the development of affordable housing and extended the time period for initiation of development to September 1, 2022; and

WHEREAS, in September 2021, staff circulated a Request for Proposals for planning, environmental and financial feasibility analysis for development of the Christie Sites (the “RFP”); and

WHEREAS, one proposal was received from David Paul Rosen and Associates (“DRA”) by the RFP submittal deadline of October 27, 2021; and

WHEREAS, on January 18, 2022, the City Council adopted Resolution No. 22-03 authorizing the City Manager to execute a Professional Service Contract with DRA to provide planning, environmental, and financial feasibility analysis for the Christie Sites development in the amount of \$150,000 with a term expiring December 31, 2022; and

WHEREAS, staff administratively executed the First Amendment of the Professional Service Contract with DRA on January 1, 2023, extending the term to December 31, 2023; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 22-153 selecting EAH Housing as the first-choice developer for the Christie Sites; and

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WHEREAS, on March 23, 2023, the City entered into an Exclusive Right to Negotiate (“ERN”) with EAH Housing for the purposes of negotiating the terms and conditions of a proposed Lease Disposition and Development Agreement for development of the Christie Sites; and

WHEREAS, the City executed the First Amendment to the ERN, extending the term of the ERN to March 17, 2024, thus necessitating the need to increase the funding allocation and extend the term of the Professional Service Contract with DRA; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute the Second Amendment to the Professional Services Contract with David Paul Rosen and Associates, to deliver developer selection, negotiation and closing services for the City, increasing the total compensation amount by \$50,000 to an amount not to exceed \$200,000, and extending the term of the contract to March 31, 2024, in substantial form as attached hereto as Exhibit A; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute further amendments to the Professional Services Contract with David Paul Rosen and Associates as may be necessary to effectuate the delivery of services, provided such amendments do not materially increase the City’s financial obligations thereunder.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2023, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:


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SPECIAL COUNSEL