

RESOLUTION NO. 20-____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Macks Craic DBA Mack5 For Construction Monitoring Of The Emeryville Art Center Project In An Amount Not To Exceed \$144,000 And Authorizing the City Manager To Execute Amendments To The Professional Services Contract

WHEREAS, on November 13, 2018 the City Council adopted Resolution No. 18-160 authorizing the City Manager to negotiate an Exclusive Right to Negotiate Agreement with Orton Development, Inc. ("ODI") for the redevelopment of an existing structure at 4060 Hollis Street, Emeryville, CA into an Art Center (Project); and

WHEREAS, ODI has formed 4060 Hollis, LLC as a single purpose entity for the purposes of entering into a Lease Disposition and Development Agreement and a related Ground Lease (the "LDDA"); to construct the Project and operate the Art Center and

WHEREAS, on August 27, 2020 the Emeryville Planning Commission approved an application for a Conditional Use Permit and Design Review permit for the Project (UPDR18-006) and adopted a resolution approving the General Plan Conformity Report for the Art Center Project; and

WHEREAS, the City and 4060 Hollis, LLC have negotiated a LDDA for the construction of the Project, and pursuant to Government Code section 37380, a Ground Lease (attached as Exhibit E to the LDDA) ("Ground Lease") to operate the Art Center; and

WHEREAS, the City desires construction monitoring services during the construction of the Project to ensure that the City meets its investment objectives by assuring quality construction and to ensure that the Project stays within schedule and budget; and

WHEREAS, the City finds that specialized knowledge, skills, and training are necessary to render the services necessary to provide construction monitoring services to the City for the Project; and

WHEREAS, Macks Craic DBA Mack5 submitted a proposal on July 22, 2020; and

WHEREAS, the City has determined that Macks Craic DBA Mack5 is qualified by training and experience to render construction monitoring services for the Project; and

WHEREAS, the public interest will be served by this Contract; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute a Professional Services Contract with Macks Craic DBA Mack5 for construction monitoring services for the Art Center Project in substantial form as attached as Exhibit A to this resolution for an amount not to exceed \$144,000; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute amendments to the Professional Services Contract with Macks Craic

DBA Mack5 as may be agreed to by the City Manager and approved as to form by the City Attorney that do not materially increase the obligations of the City thereunder.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 1, 2020 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY

ATTACHMENT:

Exhibit A: Professional Services Contract with Macks Craic DBA Mack5