

# OAKLAND CITY COUNCIL

RESOLUTION No. 75171 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

2/3 vote

*[Signature]*

RESOLUTION TO PROVIDE FOR LANDSLIDE REPAIRS TO THE MONTCLAIR GOLF COURSE BY AUTHORIZING THE CITY MANAGER TO: APPROVE A LOAN FROM THE MUNICIPAL IMPROVEMENT CAPITAL FUND FOR AN AMOUNT NOT TO EXCEED \$250,000 AT AN INTEREST RATE OF NO MORE THAN 8% FOR FIVE YEARS; APPROPRIATE GOLF ENTERPRISE FUNDS IN AN AMOUNT NOT TO EXCEED \$200,000 FROM THE GOLF ENTERPRISE FUND'S CASH BALANCE; WAIVE THE FORMAL COMPETITIVE BIDDING PROCESS, AND; NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER FOR THE HEREIN SPECIFIED AMOUNTS

WHEREAS, the concession agreement with Montclair Golf Enterprises, Inc. requires the concessionaire to make golf course capital improvements after the City of Oakland has repaired the landslide; and

WHEREAS, plans and specifications to repair the landslide have been completed by City staff and the total cost estimate is less than \$450,000; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds and determines that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, it is in the City's best interest to fund and manage the landslide repair project in order to complete the landslide project before the end of the year; now, therefore be it

RESOLVED: That, pursuant to the Oakland Municipal Code, section 2.04.050(I)(5), the City Council finds and determines that it is in the best interest of the City to waive formal bidding requirements, and hereby authorizes the City Manager to informally bid the work, select the contractor and award the herein authorized contract without returning to Council for further authorization, for the following reasons:

1. Soliciting formal bids would take 3-4 months;
2. The landslide area needs to be stabilized and repairs undertaken before commencement of the rainy season; and be it

FURTHER RESOLVED: That the City Manager or his designee is authorized to loan up to \$250,000 from the Municipal Improvement Capital fund at an interest rate up to 8% for a five year term and to appropriate an additional amount up to \$200,000 from the Golf Enterprise Fund's cash balance for a total project appropriation of \$450,000 to be applied towards the landslide repair project; and be it

FURTHER RESOLVED: That the City Manager or his designee is authorized to negotiate and execute all necessary contracts, payment requests, and amendments hereto, subject to the review and approval of the City Attorney for the purpose of completing the Montclair Golf Course landslide in an amount not to exceed \$450,000; and be it

FURTHER RESOLVED: That the Office of the City Attorney has approved this resolution as to form and legality, and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, **JUL 27 1999**, 1999

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES, AND  
PRESIDENT DE LA FUENTE — 8

NOES- None  
ABSENT- None  
ABSTENTION- None

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California