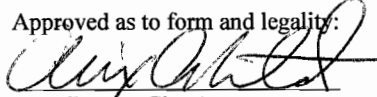


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 APR 17 PM 4:56

Approved as to form and legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 83864 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) TRADE CORRIDOR IMPROVEMENT FUND (TCIF) BASELINE AGREEMENT BETWEEN THE PORT OF OAKLAND (PORT) AND CTC REGARDING THE OAKLAND ARMY BASE PROJECT, TO ADD THE CITY AS A PARTY AND AS A GRANT RECIPIENT, TO COMBINE THE TWO TCIF GRANT ALLOCATIONS INTO ONE \$242.1 MILLION ALLOCATION, TO CHANGE THE SCOPE AND AREAS OF THE FORMER OAKLAND ARMY BASE WHERE TCIF FUNDS WILL BE USED, AND TO IDENTIFY FUNDING SOURCES TO MATCH THE TCIF GRANT

WHEREAS, the City of Oakland and the Port of Oakland own respective parcels of the former Oakland Army Base; and

WHEREAS, the Oakland Army Base Reuse Plan and 2002 Environmental Impact Report document the need to install all new public utilities and streets to serve new development of the former Oakland Army Base; and

WHEREAS, the Port of Oakland (Port), the California Department of Transportation (Caltrans), and the California Transportation Commission (CTC) entered into the Trade Corridor Improvement Fund (TCIF) Baseline Agreement as of December 10, 2009; and

WHEREAS, the TCIF Baseline Agreement provides for one \$110 million grant for the 7th Street Grade Separation Project, and one \$132.1 million grant for the Outer Harbor Terminal (OHIT) project, both of which will be matched with private and public dollars; and

WHEREAS, the TCIF Baseline Agreement documents the project cost, schedule, scope and benefits of the 7th Street Grade Separation Project and the OHIT project; and

WHEREAS, the parties to the TCIF Baseline Agreement wish to: (1) add the City of Oakland as a party and as a TCIF grant recipient; (2) eliminate the 7th Street Grade Separation Project from the scope of the Agreement; (3) combine the two TCIF grant allocations in the Agreement into one \$242.1 million allocation; (4) expand the scope and areas where the TCIF funds can be extended; (5) establish a new performance schedule; and (6) identify the funding sources to match the TCIF grant funds; now, therefore be it

RESOLVED: That the City Administrator is authorized to negotiate and execute an amendment to the Trade Corridor Improvement Fund (TCIF) Baseline Agreement dated December 10, 2009 in order to: (1) add the City of Oakland as a party and as a TCIF grant recipient; (2) eliminate the 7th Street Grade Separation Project from the scope of the Agreement; (3) combine the two TCIF grant allocations in the Agreement into one \$242.1 million allocation; (4) expand the scope and areas where the TCIF funds can be extended; (5) establish a new performance schedule; and (6) use the identified funding sources to match the TCIF grant funds; and be it

FURTHER RESOLVED: That the City is authorized by way of the amended TCIF Baseline Agreement to accept up to \$176.3 million in Port of Oakland Trades Corridor Improvement Funds over the course of the Agreement for the construction of infrastructure and other site preparation projects within East and Central Gateway Areas; and be it

FURTHER RESOLVED: That this action complies with the California Environmental Quality Act (CEQA) for the following reasons, each of which provides a separate and independent basis for CEQA compliance: (1) some activities covered under proposed amendment have already been evaluated by the previously certified 2002 EIR, such as hazardous materials remediation; (2) certain activities covered under the proposed amendment are statutorily exempt from CEQA, such as Planning and Feasibility Studies, including detailed design and engineering efforts, pursuant to CEQA Guidelines section 15262; (3) the proposed amendment includes funding mechanisms that are not subject to CEQA, pursuant to CEQA Guidelines section 15378(b)(4); and (4) this action is exempt from CEQA pursuant CEQA Guidelines section 15061(b)(3), where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment; and be it

FURTHER RESOLVED: That the Environmental Review Officer shall cause to be filed appropriate Notices of Exemption/Determination; and be it

FURTHER RESOLVED: That the City Administrator and his or her designee is authorized to take whatever action is necessary with respect to negotiating and executing an amendment to the TCIF Baseline Agreement in support of the development of public improvements on the former Oakland Army Base consistent with this Resolution and its basic purposes.

MAY 15 2012

IN SESSION, OAKLAND, CALIFORNIA, April ____, 2012

PASSED BY THE FOLLOWING VOTE:


AYES - KERNIGHAN, NADEL, DE LA FUENTE, BROOKS, BRUNNER, KAPLAN, SCHAAF AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk of the City of Oakland