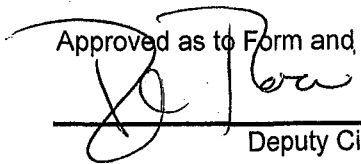


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 MAY 31 PM 4:58

Approved as to Form and Legality

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AMENDING RESOLUTION NO. 86216 C.M.S., WHICH AUTHORIZED THE CITY TO APPLY FOR, ACCEPT AND APPROPRIATE LOAN AND GRANT FUNDS UNDER THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM IN CONNECTION WITH THE EMPYREAN & HARRISON HOTEL AT 1300 WEBSTER STREET AND 1415 HARRISON STREET, TO REVISE FISCAL PROVISIONS, INCLUDE PROVISIONS REQUIRED BY THE STATE, AND AUTHORIZE AGREEMENTS WITH BART AND AC TRANSIT FOR TRANSPORTATION-RELATED IMPROVEMENTS**

**WHEREAS**, the State of California, Strategic Growth Council, and the Department of Housing and Community Development (the "Department") issued a Notice of Funding Availability ("NOFA") dated January 29, 2016, as amended, under the Affordable Housing Sustainable Communities Program (the "AHSC Program"); and

**WHEREAS**, as authorized by City Council Resolution 86216 C.M.S. on June 7, 2016, the City applied for AHSC Program Funds, and were awarded an AHSC Program loan in an amount not to exceed \$15,631,118 (the "AHSC Loan") and an AHSC Program grant in an amount not to exceed \$1,229,073 (the "AHSC Grant"), for an aggregate amount not to exceed \$16,860,191 under the above described NOFA for use in connection with the Empyrean & Harrison Hotel affordable housing project at 1300 Webster Street and 1415 Harrison Street (the "Project"); and

**WHEREAS**, the City Council wishes to delegate authority to the City Administrator or his or her designee to apply for, receive and accept such AHSC Program Funds on behalf of the City, and to negotiate, execute, enter into and deliver such agreements and instruments with the Department related to or in connection with such AHSC Program Funds without returning to the City Council, including agreements with the San Francisco Bay Area Rapid Transit District ("BART") and the Alameda-Contra Costa Transit District ("AC Transit") for transportation-related improvements; now, therefore, be it

**RESOLVED:** That the City is hereby authorized and directed to incur an obligation for the AHSC Loan, and that in connection with the AHSC Loan, the City is authorized and

directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$15,631,118 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution or as may be required by the Department in connection with the AHSC Loan, and all amendments thereto (collectively, the "AHSC Loan Documents"); and be it

**FURTHER RESOLVED:** That the City is hereby authorized and directed to incur an obligation for the AHSC Grant, and that in connection with the AHSC Grant, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$1,229,073 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution, in order to evidence the AHSC Grant, the City's obligations related thereto, and the Department's security therefore, including, but not limited to, a disbursement agreement, a covenant and certain other documents required by the Department as security for, evidence of, or pertaining to the AHSC Grant, and all amendments thereto (collectively, the "AHSC Grant Documents", and, together with the AHSC Loan Documents, collectively, the "AHSC Documents"); and be it

**FURTHER RESOLVED:** That said agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to their execution by the City, and copies will be placed on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, and appropriate said funds in an amount not to exceed \$16,860,191 to this Project; and be it

**FURTHER RESOLVED:** That Resolution No. 86216 C.M.S. is hereby amended to provide that housing portions of said AHSC Loan and AHSC Grant funds up to \$15,759,503 shall be deposited in the State of California Fund (2159), Housing Development Organization (89929), Project (TBD), and transportation portions of said AHSC Loan and AHSC Grant funds up to \$1,048,054 shall be deposited in the State of California Fund (2159), Complete Streets Design Organization (35212), Project (TBD); and be it

**FURTHER RESOLVED:** That the City shall be subject to the terms and conditions as specified in the Standard Agreements; that funds are to be used for allowable capital asset Project expenditures to be identified in Exhibit A or other relevant portions of the Standard Agreements; that the application in full is incorporated as part of the Standard Agreements; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreements; and that the City hereby agrees to use the funds for eligible capital assets in the manner presented in the application as approved by the Department and in accordance with the NOFA and applicable AHSC Program Guidelines; and be it

**FURTHER RESOLVED:** That the City Council hereby appoints the City Administrator or his or her designee, as agent of the City, to conduct negotiations, execute and deliver all

documents (including without limitation all AHSC Documents), accept AHSC Program Funds, and take any and all other action with respect to the AHSC Program and the AHSC Loan and AHSC Grant as required by the Department for participation in the AHSC Program; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to negotiate and execute agreements with BART and AC Transit pertaining to transportation-related improvements funded by the AHSC Loan or AHSC Grant; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to take any other action with respect to the AHSC Loan, the AHSC Grant, or the Project consistent with this Resolution and its basic purposes.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California